DOCUMENT RESUME

ED 130 394 EA 008 773

TITLE	Handbook for Texas School Board Members.
INSTITUTION	Texas Association of School Boards, Austin.
PUB DATE	75
NOTE	83p.
EDRS PRICE	MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS	*Board Administrator Relationship; Board of Education Policy; *Board of Education Role; *Boards of Education; Check Lists; Elementary Secondary Education; *Guidelines; Legal Responsibility; School Community Relationship; *School Law; Superintendent Role
IDENTIFIERS	*Texas

ABSTRACT

This handbook is intended to provide school board members with a good basic understanding of the school board's duties and functions and its relationship to the community, the school administration, and the school staff. Chapters 1-4 focus in turn on the topics of school board organization and operation, school board-superintendent relationships, major functions of school boards, and school board-staff relations. The appendix provides a simplified guide to Texas school law, outlines responsibilities of the school board and the superintendent, lists sources of information and aid for Texas school board members, and presents a checklist for evaluating school board-superintendent cooperation. (Author/JG)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED130394

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

handbook

for Texas School Board Members

Published by the
Texas Association of School Boards
507 West Avenue
Austin, Texas 78701

1975

EA 008 773

Texas Association of School Boards

Austin, Texas

OFFICERS

President
WILL D. DAVIS
Austin ISD

1st Vice President
ROSS BORRETT
Ysleta ISD

2nd Vice President
CHARLES WATERS
Lubbock ISD

3rd Vice President
MRS. W. E. NORRIS
San Marcos ISD

Secretary-Treasurer
FRANKLIN BASS
Corpus Christi ISD

Executive Director
CECIL E. RUSK

Foreword

The *Handbook for Texas School Board Members* has become over the years one of the most highly valued guides to school management available in Texas. In its first edition over 10,000 copies were distributed to board members, administrators and other educators. This broad distribution has been very important in furthering uniformity of action by school districts across Texas. It has helped greatly in promoting good common practices while at the same time serving to discourage those actions which might be detrimental to our schools.

We hope the Handbook will be helpful to school board members in the performance of their duties and the discharge of their responsibility to provide the best possible program for the school children of the community. The Handbook should be of particular value to newly elected board members who are interested in a more complete understanding of the school board's duties and functions and its relationship to the community, the school administration, and the school staff.

This publication is based on reputable school board practices, Texas school statutes, and approved policies of the State Board of Education. Careful study and consideration of suggested board procedures and methods of operation should be of value in minimizing difficulties often encountered by school boards in discharging their duties and responsibilities.

Will D. Davis
President, TASB

Introduction

The founders of these United States recognized that Public Education was a state function. As a result, Public Education was not specifically mentioned in the Constitution, rather it was left ". . . to the States and to the people" in the words of the Tenth Amendment.

Our own forefathers were aware of the prime need for education and provided the legal basis for a State system of public schools in the Texas Constitution.

> **Free Public Schools to Be Established**
>
> A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provisions for the support and maintenance of an efficient system of public schools. (Article VII, Section 1.)

The State Legislature in its biennial sessions has constantly improved public education by providing more adequate financing and by enacting statutes that result in a more efficient system.

Public education is a state function but members of the Legislature have realized that the best results accrue when the schools are close to the people. Thus statutes have been passed which permit the creation of local school districts and give these school districts all possible autonomy.

Local boards of education have at least a three-fold responsibility. They must provide the very finest program of education possible for the children in the community. They must realize their responsibilities to the State and to the citizens of the community to provide this education by budgeting and expending all available funds in a wise and cautious manner. They must further understand the changes that are evident in our economic and social life and should work with citizens, administration, and the school staff to provide the types of educational programs that best meet the needs of their communities.

It is because local boards of education face such vital responsibilities that they are important. The leadership and stewardship provided by these boards will ultimately determine the effectiveness and worth of Texas public education. This handbook is written for them as a guide to successful completion of these responsibilities.

Cecil E. Rusk
Executive Director, TASB

A Guide for Use of This Handbook

Chapters I through IV give an over-all picture of the functions and responsibilities of the school board. The philosophies, practices, and procedures of many successful school boards are included in these chapters. The Table of Contents provides an outline of the topics treated in each chapter.

Appendix A—Frequently Asked Legal Questions is a simplified guide to Texas public school law. The questions are practical and important, and the answers are accurate summaries of laws passed through the Sixty-third Texas Legislature.

Appendix B—Table of Board and Superintendent Jobs outlines responsibilities of the board and the superintendent in 29 important areas of local school management and provision.

Appendix C—Sources of Information and Aid for School Board Members lists outstanding resources for local school officials.

Appendix D—Standards for Effective School Board–Superintendent Cooperation lists 113 practices for school boards and superintendents which were identified and rated by working school boards and superintendents as down-to-earth, practical standards endorsed and followed by successful boards and superintendents. This appendix is arranged in checklist form so that boards and superintendents can evaluate their own practices.

Contents

Foreword iii
Introduction iv
A Guide for the Use of This Handbook v

Chapter I School Board Organization and Operation 1
General Functions of School Boards 1
Operating as a Unit 3
Official Meetings and Decisions 3
Organization of the Board 4
Keeping the Minutes 4
Nature of Meetings 5
Notice of Meetings 5
Conduct of Meetings 6
Closed Sessions 6
Agenda 7
Order of Business 8
Operating Under the Law 8
Use of Staff Members in Meetings 8
School Board Committees 9
Written Policies, Bylaws, and Regulations 9
Handling Complaints and Criticisms 10
Local Formation of Philosophy of Education 10
Aids for Board Members 11
Orienting New Board Members 11

Chapter II School Board–Superintendent Relationships 13
Division of Functions 14
Advisory and Cooperative Interrelationship 14
Board Responsibility for Judging Administrative Results 15
Tenure of the Superintendent 16
Selecting a Superintendent 17
Teamwork for Better Schools 20

Chapter III Major Functions of the School Boards 21
Curriculum Functions 21
Personnel Functions 23
Finance Functions 24
School Plant Functions 25
School–Community Relations 26

Chapter IV School Board–Staff Relations 29
Reasons Behind the Development of Professional Consultations 30
Two Main Teacher Organizations 30
Legal Status of Professional Consultation in Texas 30
Professional Consultation Procedures 31

Appendix A Frequently Asked Legal Questions 36
Board Service 36
Board Operation 40
Board Authority 41
School Finance 44
Board–Student Relations 49
Board–Staff Relations 52
Miscellaneous 54

Appendix B Table of Board and Superintendent Jobs 56

Appendix C Sources of Information and Aid for School Board Members 65
Booklets and Pamphlets 65
Periodicals 65
Associations and Organizations 66
Books 67

Appendix D Standards for Effective School Board–Superintendent Cooperation 68
General Organization and Administration 69
Personnel Functions 71
Finance Functions 72
School Plant Functions 73
School Program Functions 74
Public Relations Functions 74

CHAPTER I

School Board Organization and Operation

The quality of a school system depends to a great extent upon the organization and operation of its board of education. A well-organized, efficient school board commands the respect of its professional staff and community, strengthens the school program, and improves the learning environment for boys and girls. The effectiveness of a school board's organization and operation depends, in turn, upon the knowledge and judgment of the individuals who make up the board. A school board can carry out its duties best when its members are well acquainted with the board's functions and work diligently to perform them.

GENERAL FUNCTIONS OF SCHOOL BOARDS

Like most modern organizations, school systems are confronted with extremely complicated duties. The board must therefore agree upon an effective division of labor within the system. It must be especially certain of what its own unique functions are. Experienced school board members agree that a board performs most effectively when it:

1. Determines the goals of the school district and operates as a policy-making body which designs policies which lead to attainment of these goals;
2. Delegates detailed and technical duties to a trained administrative staff with a single executive (the superintendent) at its head;
3. Evaluates its policies in terms of their effectiveness in guiding the district to attainment of its goals, making necessary policy adjustments based on its evaluation.

Policymaking. The most important single function of a school board is that of policymaking. A policy can be classified in several ways. Policies which outline the goals and philosophies of a school district are in the nature of a constitution. On the other hand, policies which

are designed as rules to be followed in specific situations are in the nature of laws. The former are broad general principles upon which the operation of a school district is based, while the latter are simply outlines of what it is to be done and how to do it.

The policies of a school board originate in a number of sources. The chief sources are the superintendent's recommendations, laws governing education, the board's previous experiences, and the study of policies of other boards of education. Policies are not formulated at one or a few meetings. Rather, they accumulate over the years and together make up the rules and regulations of the board. The proposal of a new policy or the change of an old one is frequently initiated in the form of a recommendation by the superintendent, who, in consultation with other members of the school staff, has determined the need for a new or changed policy. Proposals of new school policy may also be presented to the board by one of its own members or by any citizen or lay group.

One of the most difficult problems faced by a board of education is the separation of its policymaking function from the superintendent's responsibility for administrative regulation. Considerable attention will be given to this problem in the first section of Chapter II of this Handbook.

Evaluation. In addition to adopting the general policies to be administered by the school employees, the board is also obligated to evaluate continually the effects of its policies and the effectiveness with which they are executed by the school staff. It is in the area of evaluation that school boards can make some of their most important contributions to their respective districts.

The evaluation function requires, first of all, that the board have policies which clearly state the goals of the district. Any measurement of progress by a district is impossible unless the board has clearly stated what it wishes the district to accomplish.

The evaluation function requires, secondly, that the board have standards (or criteria, as they are sometimes called) against which the performance of the school system can be measured. These standards will in some way be related to the stated goals of the school system. A board's evaluation of the district's elementary school physical education program, for example, will be in terms of its goals for the program. Standards for evaluating an elementary school physical education program which has the primary goal of preparing boys for high school athletics will differ from the standards for evaluating a program which has as its chief objective the all-around physical development of elementary school children.

The evaluation function also requires that the board have adequate information upon which to base its evaluations. Information regarding the school system and its operations may come from several sources. The board's chief source will be the superintendent and his staff, who,

in most cases, have pertinent facts, figures, and records. When confronted with a particular problem, the board must often rely on the superintendent to provide the information relevant to the problem. It is also good practice for the board to require, and to make public, frequent and thoroughgoing reports from the superintendent regarding the operation and management of the school system, even when such reports are not related to any particular problem at hand.

Some school boards, usually upon the advice of their superintendents, employ outside consultants to assist in gathering and organizing information about the school system. Such consultants commonly come from universities or voluntary accrediting associations.

Still a third source of information upon which evaluation may be based is citizen opinion. The most reliable assessment of citizen opinion comes from a well-organized community survey rather than from the comments or complaints of an individual or small group of individuals.

OPERATING AS A UNIT

A school board is legally a single, united body rather than a group of individuals. Texas law, like that of other states, confers on the individual board member only that authority which can be exercised in an official board meeting by the casting of a vote. Except during an official meeting, a board member has no more power over school matters than any other citizen in the community. Minor exceptions to this rule apply to the president and secretary, who exercise certain legal duties as individuals.

OFFICIAL MEETINGS AND DECISIONS

An official meeting of the school board may be regularly scheduled, called, or emergency. In order for the board's actions to be legally binding, they must be taken in an official meeting. An official meeting of the board is one which meets the following qualifications:

1. For regularly scheduled or called meetings, notice (containing time, date, place, and subjects to be discussed) must have been properly given at least 72 hours prior to the day of the meeting;
2. For emergency meetings, notice (containing time, date, place, subjects to be discussed, and reason for emergency) must have been properly given at least two hours before the meeting;
3. The meeting must be opened in public session;
4. The meeting must be attended by a quorum (a majority of the governing body) of the board members;
5. All members must have been duly notified of the meeting.

Any action approved by a majority of the members present at an official meeting becomes official board action.

Board members should be notified of a meeting from three to five days in advance. A copy of the minutes of the previous meeting, a copy of the proposed agenda, and supportive documents for the forthcoming meeting should be sent with the notice. The superintendent, acting

on direction of the board president, usually sees that these items are sent at the appropriate time.

ORGANIZATION OF THE BOARD

Texas school boards are organized (or reorganized) at the first board meeting following the regular election of members. At this time, the board elects a president, a vice-president, a secretary, and a treasurer or depository bank. Before electing its officers, the board should consider carefully the abilities of each member to perform the duties of each of the offices.

The person elected president should be one who is known to possess sound judgment and who is capable of presiding over a meeting in an efficient and informal manner. He will be expected to provide a proper approach to the handling of the various problems and proposals which come before the board. He will usually be expected to follow ordinary parliamentary rules so that all persons entitled to have an active part in making the decisions of the board are given a chance to express themselves. The president should possess such personal qualities and habits as will cause all members to feel free to contribute their best thinking to the procedings of the board. He should have such characteristics and personality as to command the respect and confidence of the community.

The vice-president, since he is required to act in the absence of the president, should have qualifications similar to those suggested for the president.

The secretary of the board, being responsible for keeping accurate and convenient records of the board's proceedings, should be skilled in taking minutes and in performing the other clerical duties expected of a secretary. If the school superintendent can provide a stenographer or clerk to take notes, this will enable the official secretary of the board to participate more freely in the board's proceedings. It is common practice for the superintendent's secretary to act as clerk to the board.

The treasurer is normally a depository bank, but may be an individual. The treasurer, elected for a two-year period, must provide appropriate security as provided by State law.

KEEPING THE MINUTES

An efficient board will require that an accurate and complete record of each meeting be made and that copies of the minutes of each meeting be sent to the board members. A copy of the minutes should also be placed in the school office as a public record open to the inspection of any interested citizen. The minutes are more useful if they are indexed by subject. The secretary of the board usually has the responsibility of bringing the index up to date periodically.

NATURE OF MEETINGS

On the average, school boards have one regular meeting each month. However, special problems such as building construction and budget approval may require extra meetings. Meetings should be conducted at a regular meeting place which will seat as many citizens as would ordinarily want to observe school board proceedings. An efficiently conducted meeting rarely, if ever, lasts more than two or three hours. The inefficiency and inconvenience of longer meetings can be eliminated by meeting more frequently and by better planning of meetings. This encourages citizen attendance at board meetings and invites public confidence in the school board and in the administration. As a standard procedure, representatives from local news media should be invited to board meetings.

NOTICE OF MEETINGS

The "Open Meetings" Act which became effective January 1, 1974, sets out specific procedures to be followed with regard to school board meetings.

The first are in reference to the notice requirements of the Act. The law requires notice to be given for all meetings to be held by the school board whether they are emergency or regular, open or closed. The notice given must contain four items: (1) the hour of the meeting; (2) the date of the meeting; (3) the site of the meeting; and (4) the subjects to be discussed at the meetings. The Act also sets out specifically the method for posting notices of regular or emergency meetings. Such notice must be posted on the bulletin board at the school administrative offices and *either* delivered to the county clerk *or* telephoned to the members of the news media who have requested such notice. Notice for regular meetings must be given 72 hours in advance of the *day* of the meeting. The subjects to be discussed must be listed in the notice; therefore, the Act seems to preclude any spur-of-the-moment discussions on matters which might be rasied from the floor of a meeting. It would appear to be good policy to require all persons wishing to address the school board to supply in writing a description of the item(s) they wish to discuss at least five days before a regularly scheduled meeting so that the subject they are interested in can be listed in the meeting notice.

School boards should also provide for the possibility of a closed session which might be necessary during a regular meeting. The notice posted should state that, if a closed or executive session as authorized by Article 6252-17 Revised Civil Statutes of Texas is necessary, it will be held by the board at the time, date, and place covered by the notice. The notice should make it clear that before any closed session shall occur the meeting will be publicly convened and, further, the notice should refer specifically to the sections of the law authorizing closed sessions.

The notice requirement for an emergency meeting is an exception to the general notice requirements. The Act states that "in the case of emergency or urgent public necessity, *which shall be expressed in the notice,* it shall be sufficient if notice is posted two hours before the meeting is convened. In the event of an emergency meeting, the presiding officer or the member calling such meeting shall, if request therefor containing all pertinent information has previously been filed at the headquarters of the governmental body, give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the governmental body in providing such special notice."

The most important factor present in an emergency notice which is not necessary in a regular notice is the expression in the notice of the emergency or urgent public necessity which requires special and immediate board attention. The Act does not specify to what detail the emergency must be described, but it is apparent that it must be in sufficient detail to give notice of the subject to be discussed. If a closed session is to be held during an emergency meeting, the notice should contain language similiar to that given above for regular meetings.

CONDUCT OF MEETINGS

The manner of conducting meetings under the new law will be similar to that used prior to January 1, 1974, except with regard to closed sessions. The Act requires that all meetings be opened in public; and, if the board plans to go into closed session, the Act requires the presiding officer to announce in the open meeting the section or Sections of the Act authorizing the holding of such a session. It would probably be good policy to announce also prior to the closing of the meeting that no final decisions, actions, or votes will be taken while the board is in closed session (in order to comply with § 2(1) of the Act).

It is unclear from reading the provisions of the Act whether or not the school board is required publicly to adjourn its meetings, but it would probably be good policy to reconvene public meetings after all closed sessions if to do nothing more than publicly adjourn a meeting which was publicly opened.

The board can avoid the disruption of its meetings by establishing a policy of requiring delegations and complainants to request placement on the meeting agenda. Advance scheduling of groups or individuals who wish to communicate with the board not only expedites board meetings, but also gives such visitors a chance to present their suggestions. The chairman should maintain order at all times through the use of a business-like procedure.

CLOSED SESSIONS

The most difficult problem arising under the Act is in determining

what may be done in a closed session. The problem arises from the language of the Act itself. Section 2 of the Act provides for closed sessions and its various subsections list the matters which may be taken up in such sessions. The problem arises in the interpretation of Section 2(1). That section states, "Whenever any deliberations or any portion of a meeting are closed to the public as permitted by this Act, no *final* action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the requirements of Section 3A (notice) of this Act."

It must be assumed that the Legislature intended that school boards retain a degree of flexibility in dealing with matters such as property acquisition, personnel negotiations, consultations with attorneys, etc. If, for example, a school board wishes to purchase a piece of property, the board is free to determine in executive session which property it wants, how much it is willing to pay, and when it should be bought. The "final" decision which the Act requires to be made in open session would be the actual decision to sign a contract to purchase the property.

To interpret Section 2(1) to require all preliminary decisions to be made in public simply because they set out some definite course to be followed or some definite action to be taken would completely destroy the prerogatives which governing bodies are designed to exercise. However, to interpret the section to mean ttat all *final* decisions, *final* actions, and *final* votes with regard to any matter must be made in public would allow governing bodies to retain a great deal of flexibility. Under this interpretation, they would be allowed to make all preliminary decisions and preliminary votes and to take all preliminary actions they deemed necessary in a closed session. Public action would be required only when the decision, vote, or action is, as one lawyer phrased it, "the ultimate ultimate" action with regard to any matter.

AGENDA

The agenda is a statement of topics or problems to be discussed at the next meeting. It is usually prepared by the superintendent, often with the advice of the board president. It should reach all board members far enough in advance of the meeting to allow each member to inform himself concerning the various matters proposed for discussion and decision. The agenda should include copies of proposed resolutions and information related to forthcoming reports and recommendations of the superintendent. This procedure will not only speed up the meeting but will also give board members an opportunity for more careful consideration of the important problems to be taken up at the meeting. The agenda should be used only as an efficient and convenient guide. The agenda should also be attached to the meeting notice in order to fulfill the requirement of describing items to be discussed at a meeting.

ORDER OF BUSINESS

For the purpose of efficiency, a board of education should have a regular order of business for its meetings. The following is a typical example:

1. Call to order
2. Roll call
3. Establishment of a quorum
4. Reading and approval of minutes of previous meeting (The minutes may be approved without reading if all members have been given an opportunity to read the minutes prior to the present meeting. Changes in, or additions to, the minutes should be made before the vote to approve the minutes.)
5. Communications to and from the board
6. Hearing of delegations
7. Regular report of the superintendent
8. Unfinished business
9. New business
10. Miscellaneous
11. Adjournment

OPERATING UNDER THE LAW

School boards must give careful attention to legality so that their policies and actions will be valid. A superintendent should be able to determine the legality of most proposed actions by consulting legal references. However, unusual proposals may require the advice of a legal expert. Many larger districts find it advisable to retain the services of an attorney for general or special legal service. All districts may seek the advice of the city or county attorney, the county superintendent, or legal and administrative consultants of the Texas Education Agency.

School boards must remember that they have only the following legal powers.

1. Powers specifically granted to them by the State Constitution or by statute
2. Powers which are implied by the State Constitution and statutes
3. Powers which can be inferred from the creation of the school district itself

For detailed information on the legal aspect of board action, consult Appendix A.

USE OF STAFF MEMBERS IN MEETINGS

School boards often devote more time to financial and property matters than to other phases of the school system's operations. To offset this tendency, school boards may have the superintendent bring one or more members of the administrative or teaching staffs to report on topics related to the curriculum, teaching procedures, school libraries, and other aspects of the educational program. The staff members

should be expected to answer questions raised by board members. Many boards now schedule special meetings at which the only business is receiving and discussing staff reports.

SCHOOL BOARD COMMITTEES

School boards have used two types of committees—standing committees and special committees.

Standing committees. Standing committees are permanent committees which are composed of only a part of the members of the board and have special responsibilities for certain areas such as buildings, athletics, personnel, or the like. Most board members and school administrators do not favor the use of standing committees, and almost three-fourths of the nation's school boards operate without them. There is little need for standing committees if the board confines its time and efforts to general policymaking and evaluation. Also, board members can maintain a more balanced view of the entire school program when they do not have special responsibilities for only one aspect of the school system's operations.

Special Committees. The use of special committees is more common than the use of standing committees. Special committees are those which have single tasks to perform and are dissolved immediately upon making a satisfactory report to the board. Working with a committee of teachers on personnel policies and working with the administrative staff on a building program are examples of tasks of special committees.

No action, decision, or formulation of policy by a committee of the board is legally binding or official unless authorized by the board in an official meeting.

WRITTEN POLICIES, BYLAWS, AND REGULATIONS

Written school board policies are required for school accreditation in Texas. Compiling the policies, by-laws, rules, and regulations of the board into one document is a tremendous task. The advantages of having up-to-date, comprehensively-written policies, however, outweigh this difficulty.

A statement of written policy has many values. Its most important value lies in the guidance which it provides for the school staff, the administration, and the board itself. The policy handbook will also acquaint interested citizens of the community with the policies, rules, and regulations of the business which they support financially. Experience has shown that policies which are brief, simple, and clearly defined help the community to understand its schools and eliminate many special requests from patrons.

The greatest single source of local policy should be the minutes of board meetings. The minutes will reveal what policies are in effect

as a result of previous board actions. These policies could be compiled, along with pertinent statements from the laws and other sources, into readable and understandable form. Written policies must be up to date if they are to be effective. The board should therefore establish machinery for keeping policy changes up to date. A loose leaf binding facilitates this process for day-to-day use. Policy booklets should be revised and brought up to date continuously. The superintendent ordinarily assumes the responsibility for communicating new policies and policy changes to school system personnel.

HANDLING COMPLAINTS AND CRITICISMS

Complaints and criticisms from individuals or groups are major "occupational hazards" of both the board members and the administrator. The procedure for handling complaints and criticisms should appear in a board's written policies. Whether or not this procedure is in writing, it should be standardized.

While a suitable procedure for the presentation of complaints will probably vary with the size and organization of the school system, one procedure for handli g complaints is as follows:

1. The complainant first presents his complaint to the superintendent, who investigates and reports his finding to the board and to the complainant.
2. If the complainant then wishes to present his case to the board, he is invited to do so at the next meeting.
3. The board hears the complaint, considers any additional information gathered by the superintendent or staff, and makes the best possible decision.

At no time should a board member forget that, as an individual, he has no authority to act or to promise board action on a complaint. However, a well-informed board member can often avert or answer unjust criticisms or complaints.

LOCAL FORMULATION OF PHILOSOPHY OF EDUCATION

Many boards believe that it is both their right and their duty to adopt a general statement of the board's philosophy of education, that is, a statement of fundamental beliefs and assumptions concerning education. Such statements are often accompanied by a list of goals, or objectives, for the school system. Indeed, it is difficult for school boards to make evaluations of their school programs unless they do have definite objectives in mind.

Statements of philosophy and goals may be considered policymaking at its highest level and should be the foundation of subsequent policies. For if a district's philosophy and objectives are to be meaningful, there must be a relationship between them and the district's operational policies.

Many board members feel that a written statement of beliefs is

more helpful, to themselves and to others interested in the local schools, if the process of formulating the statement is a cooperative endeavor involving representives of the administrative and teaching staffs, pupils, and lay citizens.

Written statements of the board's educational philosophy, which usually appear in the policy handbook, vary in length from one paragraph in some school systems to several pages in others. The boards of school systems which are continually changing through self-improvement will occasionally find it necessary to modify the statement of beliefs and objectives.

AIDS FOR BOARD MEMBERS

Individual board members have found that they can increase their efficiency and value to the schools by taking advantage of aids such as the following:

1. Membership and participation in area, state, and national associations of school boards
2. Visits to local schools and to schools in other districts
3. Subscription to one or more periodicals published for board members and administrators
4. A bookshelf in the board meeting room containing references on the work of school boards and school administrators
5. Publications of state associations of school boards and of professional groups
6. Written reports of surveys of the local school system and the local community
7. A folder at home which contains pertinent records, reports, and actions of the board so that the member may review them at his convenience
8. A detailed agenda for each meeting in advance of the meeting date
9. Attendance at Parent-Teachers Association meetings, school sponsored athletic contests and other activities; visits to faculty meetings, school lunchrooms during school hours, etc.

Superintendents make many efforts to keep school board members informed. Board members would do well to appreciate and encourage these efforts.

ORIENTING NEW BOARD MEMBERS

The process of orienting new board members deserves thought by local boards and superintendents. It has been most successfully done by those boards and superintendents who have cooperated in the effort and have given it serious thought. If school boards are to retain their high standards, they must educate new members in such a way as to increase their willingness and desire to serve well.

In order to preserve the efficiency and continuity of service of the school board, newly-elected members of the board should be given special attention promptly after their election or appointment.

The superintendent should have as many conferences as necessary with new board members to acquaint them with the operation of the school system, the program of the school, the financial and legal aspects of school operation, and all other information which will orient them to their new jobs. The new member should be given such materials as this handbook, the written policies of the local system, the financial statement, and any other materials that would aid their understanding of the business which they are entering.

The new members should be encouraged to ask questions and be made to feel free to participate in the discussion at board meetings. Some boards follow the practice of a special meeting to help orient new members. Other boards have developed orientation programs in their area school board associations. Many boards take their new members to the school board workshops conducted by the Texas Association of School Boards each spring and to the State convention in the fall. All of these practices have proven valuable.

CHAPTER II

School Board-Superintendent Relationships

A school board and its superintendent may be certain that the quality of their relationship will be reflected in the operations of the schools system and in the morale of the professional staff. A harmonious, open, and understanding relationship between the board and superintendent increases the likelihood that there will be a similar relationship among administrators, teachers, and pupils. The top administrator and the policymakers largely establish the tone of the school organization by the manner in which they work with one another. It is for this reason that boards and superintendents should give considerable attention to the nature of their relationship. While there are no set procedures for assuring a proper association between the two, the rules governing ethical conduct among any group of people in public life would apply.

None of the foregoing is meant to imply that any of the parties should avoid issues or fail to speak honestly concerning problems confronting the school district. It is simply recognition that business proceeds best in an atmosphere of courtesy, mutual respect, and cooperation. Where this condition exists, the superintendent and board members can maintain objective viewpoints without interference from irrelevant personal issues.

Fortunately, board members are elected at least partially because they are able to concentrate on issues rather than on personalities. They are usually aware that a superintendent may have certain personality traits, which no matter how appealing or unattractive, have nothing to do with his effectiveness and have no influence on the worth of his recommendations and proposals.

The superintendent, because of his professional training, can be expected to maintain an objective viewpoint on all issues and to cultivate a skill in interpersonal relationships which will permit him to mitigate any personality differences which may arise.

DIVISION OF FUNCTIONS

The history and growth of the free public school system shows how the need for a superintendent in each school system came about. When education in the United States was carried on mainly in one-room schools having one or two teachers, board members themselves tended to the administrative functions. As schools grew larger and systems of more than one school developed, board members found that they had neither the time nor the training to administer complex school organizations. School boards then began hiring superintendents to administer the schools and restricted themselves to making only high-level decisions.

Because the board and superintendent share many problems, much has been said and written concerning the division of functions between them. The test of a proper division of functions between a school board and its superintendent is effectiveness. The separation of functions should rest, not on custom or "inherent rights," but on what division will contribute most to the effective operation of the school system. While there are some principles for determining how much responsibility should be given to a superintendent, in a given situation the range of responsibility delegated to a superintendent may vary according to the size of the district, established district policies, and the personalities and beliefs of board members and the superintendent. In any case, the superintendent and the board must have definite understandings of these responsibilities. Experience suggests the following guidelines for the separation of the general functions of the school board and superintendent.

The school board:

1. Assumes the role of policymaking body for the school system
2. Continually evaluates the effects of its policies, making policy adjustments when it seems wise to do so

The superintendent:

1. Assumes responsibility for the operation of the school system
2. Serves as adviser and consultant to the board of education
3. Serves as dual representative of the professional staff and board of education
4. Executes the policies of the board

For a more detailed breakdown of board and superintendent functions see Appendix B.

ADVISORY AND COOPERATIVE INTERRELATIONSHIP

Even though the board and superintendent have some separate functions, their tasks are so closely related that close consultation between the two is constantly required. While the superintendent may have primary responsibility for the technical aspects of the instructional program, for example, it is unsound for him to feel that he has complete authority over all curriculum matters. The school board is

legally responsible for developing a program which meets the needs of the community and State.

Even in a technical matter such as writing a study guide to be followed in teaching American history, the board should be consulted regarding the goals of the course. The best policies in curriculum or any other area of school system operation result from cooperation between the board and superintendent.

The board has the right to expect the superintendent to advise it on areas of operation over which he has control. Proper preparation of such reports on the part of the superintendent and their submission in written form keeps the board informed and reduces the length of board meetings.

The superintendent, in turn, has the right to expect the board to seek and consider his advice and recommendations. Proper relationships cannot result when board action is taken prior to the superintendent's being given the opportunity to explain the purpose and values of his recommendations.

It sometimes occurs that a board will split into factions over some important issue. In such cases personal feelings often become involved and certain members tend to "vote together" on later issues. The development of factions undoubtedly hinders school progress and can be avoided if board members assume a statesmanlike attitude toward their responsibilities, bearing in mind that their basic loyalties are to the welfare of the children in the school district.

In summary, successful board-superintendent relationships depend upon at least the following.

1. Understanding the divisions of functions between the board and the superintendent
2. Keeping school welfare uppermost at all times
3. Minimizing personal differences
4. Willingness to cooperate
5. Willingness to accept responsibility
6. Giving credit where credit is due

BOARD RESPONSIBILITY FOR JUDGING ADMINISTRATIVE RESULTS

Any corporate body which delegates its authority to an executive has the responsibility to evaluate results. The board is therefore constantly, formally and informally, judging the work that is being done by the superintendent. The superintendent is called upon to demonstrate leadership in many areas and is responsible for a vast array of detailed and technical operations. For that reason, the appraisal of the superintendent is one of the most important duties of the board.

The following standards, which are not necessarily placed in order of importance, should aid boards in fair and reasonable judgments of the superintendent's fitness for his position:

1. Reputation as a man and as a public worker among the leaders of

the community

2. Aggressiveness and skill in promoting a workable program for the welfare and continuous improvement of the community
3. Personal courage, exercised with appropriate tact, in facing opposition to the schools or the schools' program of progress
4. Avoidance of fanfare and self-publicity in public relations
5. Knowledge and appreciation of the value of a public dollar and ability to propose school budgets accordingly
6. Knowledge of instructional program
7. Skill and application in searching for and obtaining high-grade teachers, supervisors, and staff members as needed, and in assigning them to tasks well adapted to their special abilities
8. Ability to deal democratically and effectively with both certificated and non-certificated personnel; that is, in such a way as to maintain the respect of teachers and other personnel and at the same time to stimulate them to whole-hearted effort
9. Genuine interest in, and understanding and appreciation of, children and youth and their problems of "growing up"
10. Promptness and skill in keeping the board of education and the public well informed about what is going on in the schools through adequate oral and written reports to the board and to the people, effective relations with the press, and well-planned and well-managed school activity demonstrations and exhibits
11. Tendency to "keep his feet on the ground" by having due respect for procedures that are traditional, yet adopting new and better methods when advisable
12. Success, together with his wife and family, in fitting into the social, civic, and religious life of the community
13. Capacity for maintaining the respect of educational leaders in neighboring communities, and with the leaders in the schools of similar size and prominence throughout the region, state, or nation

A board of education will find its evaluation ask easier if it has a specific job description or analysis for the superintendent and if it employs definite standards of performance. It will also be in a position to avoid judging the superintendent on the basis of criticism from persons whose motives are questionable.

A school board must be confidential in its evaluations of the superintendent. It should not hesitate to discuss its appraisal of the superintendent's performance with him if the board finds it necessary, but board criticism of a superintendent which becomes widely known results in strained relationships and damages the superintendent's leadership ability.

TENURE OF THE SUPERINTENDENT

Because of the importance of the superintendent to a school district, it follows that a major responsibility of a board of education is to select a competent administrator, encourage his professional develop-

ment, and provide security through adequate contractual agreements. A superintendent represents a considerable investment of time and money by the school system. Most school boards, then, do not wish to lose satisfactory superintendents. A board of education may show its satisfaction with its superintendent by providing him with the longest term contract permitted by law. Contracts with overlapping terms are not legal, but a new contract may be put into effect before the existing contract expires if the board minutes and the new contract show that the previous contract was voided. Most contracts with superintendents show July 1 as the beginning date. Board policy should show the calendar month in which renewal of the superintendent's contract is to be considered. A good practice is to decide on the renewal of the superintendent's contract during January or February.

Just as the school board has certain responsibilities for providing its superintendent with incentives to serve the district well, so must the superintendent avoid promoting his own personal interests at the expense of the school district. Specifically, he should fulfill the following obligations:

1. He should be objective and realistic in his tenure and salary demands
2. If he intends to refuse a contract, he should notify the board of this fact at the earliest possible date, thus permitting the board time to find a suitable replacement
3. He should assist the board, when asked, in finding his replacement

SELECTING A SUPERINTENDENT

The need for a new superintendent may come about for one of three reasons--the retirement of the superintendent, the superintendent's decision to accept another position, or a decision by the board to replace the present superintendent.

A wise board will replace its superintendent only when it is certain that this step is in the best interests of the school system. Any superintendent will make occasional mistakes, but neither these nor unjust public criticism of the superintendent should stampede the board into a hasty decision to replace the superintendent. A superintendent who conscientiously acts for what he considers best will occasionally make decisions which will not please certain individuals or small segments of the community. Objective evaluations by the board will prevent its being pushed into a premature decision to release its superintendent.

A board that is considering replacing the superintendent should advise him of this fact and give him opportunity to discuss with the board what he may do to make his services satisfactory. If the board still believes that a change will benefit the school system, this change should be accomplished with the least possible harm to the schools, the community, and the professional standing of the administrator.

A definite selection plan should be used in choosing a new superin-

tendent. It is of utmost importance that, once a board has agreed on a plan, all members adhere to it rather than taking individual actions which might interfere with an orderly selection process. The following procedures may be combined, but the principles involved have been found basic in the experiences of boards of education.

Establish Qualifications. Develop a set of standards to cover the qualifications desired. These standards will vary from one school board to another but usually include age limits, professional training, experience, and salary limits.

Decide If the Position Is To Be Filled from Those Already on the School System Staff. It often occurs, especially in larger school systems, that a prospect for the job is already employed by the district in some other capacity. Personal sentiment in favor of an employee who is well-known to the board members should not result in overlooking deficiencies in his professional training or ability. The welfare and needs of the schools require that the best candidate be selected. If possible, the board should decide whether to promote someone within the system before inviting applicants from outside. Considering "insiders" and "outsiders" simultaneously may lead to personnel problems later.

Authorize and Appoint a Screening Committee. If candidates from outside the system are to be considered, the board should make use of a search-and-screening committee, usually called simply "the screening committee." The screening committee searches for and sorts applications and in the end usually recommends a selected small group for board consideration. The screening committee may seek advice from professional leaders in nearby colleges or larger school systems. It may also request the outgoing superintendent to assist.

The screening committee should have clerical assistance to help with correspondence. A file should be provided for applications. Space should be available for private interviews and meetings. The most important job of the screening committee is to seek candidates of high caliber rather than waiting for them to appear. Applications should be by invitation insofar as practical. Suggestions for potential candidates may be secured from critizens in the community, colleges and universities, other school superintendents, board members, and commercial agencies.

Channel Applications. All applications, written or in person, should be channeled through the screening committee. This arrangement should be recognized by all board members, who should refer applicants to the committee.

The screening committee should secure enough applications to guarantee that the selected few will be highly qualified and potentially desirable. There is no need, however, for inviting so many applications

and prolonging the selection so long that both the applicants and the board become confused.

Evaluate Credentials. Each candidate is likely to have a set of credentials furnished by his university, by a commercial agency, or from some other source. Whenever credentials come to the committee without request, the committee will need to check for accuracy and to get more data on the candidates that are to be seriously considered. Some of this additional data may be obtained during personal interviews, but other information will probably need to be assembled by correspondence before that time. The committee may want to provide forms to be sent to the candidates for collecting personal data. Reference blanks may be needed to send to reliable people who know a candidate's record.

Schedule Interviews. Interviews with candiates should be postponed until there has been time to review the records carefully to determine which candidates will be seriously considered. Many applicants will not meet the standards set by the board and should be eliminated early from consideration. Such applicants should be firmly notified not to come in person, thereby saving their time and the resources of the committee.

Conduct Interviews. In the semifinal work of the screening committee, personal interviews should be held with several of the most promising candidates who will be invited to come at the expense of the district. Such interviews should be planned to bring out information on personality, apparent integrity, professional knowledge, and other matters of importance not covered completely in the written record. Asking all candidates approximately the same questions will make it easier to compare the results of the interviews. The results of the interview with each candiate should be summarized in writing and filed with the other records of the candidate before reactions are forgotten or confused. In these interviews care must be exercised to prevent the too favorable impression that may be created by a candidate better gifted in salesmanship than in more pertinent qualifications. Continual reference to the written record should provide certified data to offset any tendencies toward exaggeration. In addition, searching questions may be used to probe the candidate's depth of thought.

Gather Additional Information. It is usually desirable for the committee to visit the communities where a few of the most outstanding candidates have lived and worked. Each candidate should be advised that such a visit will be made if his application is to be considered seriously. The purpose is to gather first-hand knowledge of the degree to which the candidate has seemed to influence the community in an educational way—to catch something of the spirit of his service.

The knowledge and impressions thus obtained should be carefully the committee is to base its recommendations to the board.

The need for care on the part of the screening committee in this noted and added to the record in making final appraisal upon which step cannot be overemphasized. If the visit is to be worthwhile, the committee must make every effort to be honest in its attempt to get and evaluate information on the candidate.

Committees should conduct these first-hand investigations as quietly as possible. They should explain, in talking to people in the communities, that they are gathering such information on several leading candidates. This will minimize any disturbing effect in the candidates' communities and will guard against any damage to the prestige of the unsuccessful candidates.

Make a Decision. The screening committee should let the board as a whole choose among a few of the top-ranking candidates. This gives the final and crucial choice a broader base and tends to insure a better match between the board and the superintendent finally selected. Because of the extreme importance of the final step in the procedures, there should be a well-managed interview of adequate length between each of the candidates and the assembled board. The applicant who is finally selected should be the unanimous choice of the board, if at all possible. If one or more board members originally preferred another candidate, this should not become public information. The final ballot should be unanimous for the record. As mentioned in Chapter 1, the selection of a new superintendent is a topic for which "closed" meetings are justified.

TEAMWORK FOR BETTER SCHOOLS

The importance of the combined functions of the school board and its superintendent are so vital as to rate re-emphasis here. A careful reading of the list of school board "duties" and the corresponding "jobs" of the superintendent (Appendix B) reveals this fact quite readily. School boards and superintendents must realize that each can be little better than the other. A high quality of board operation is not possible without the advice and leadership of a competent superintendent, and the leadership of a superintendent will be ineffective unless he has the support and guidance of a dedicated school board. The key to the problem of improving schools lies in the cooperative effort of these two controlling factors. A board and superintendent who have one goal—better schools—can achieve that goal by cooperation.

CHAPTER III

Major Functions of the School Board

The functions that school boards actually perform are so varied as to forbid specific listing. This is true for two reasons. It is true because a few school boards still attempt to administer their own policies by means of standing committees (see Chapter I) thus carrying out functions which could more appropriately be performed by their respective superintendents. Secondly, functions of school boards vary because boards in different localities face different types of problems which naturally affect their responsibilities. In general, however, there are five areas of school system operation to which most school boards give their time and effort: curriculum, personnel, finance, plant, and school-community relations. The following sections will discuss more specific tasks of school boards in each of these areas. The order in which these functions are discussed does not necessarily indicate the relative importance of each one.

CURRICULUM FUNCTIONS

Early-day school boards regarded curriculum as the heart of their responsibility, but for some years most boards found that increasing enrollments required them to focus their interest on finance and building construction. Recently, however, boards are coming to realize that, while they will probably not spend a large amount of time in curriculum matters, curriculum policymaking is probably their most important functions. This is because other areas of school board functioning only exist to support the instructional program. All policies, then, logically depend on curriculum policies and the nature of the school program. It is easy to see that what subjects are taught and how they are taught influence the kinds of buildings that are constructed (plant), what teachers are hired (personnel), and how much money is spent (finance).

Another reason for school boards' renewed interest in curriculum matters stems from the climate of change in which the schools find

themselves today. More and more, school systems are confronted with such questions as the following:

> Shall we adopt the new elementary school science program being proposed?
> Shall we teach foreign languages in the elementary schools?
> Can we make use of computer-assisted instruction in our high schools?
> Shall we apply for federal funds to underwrite the cost of special classes for children with exceptional talent?

These are all questions that have to do with the instructional program of the schools. The decisions on any of these questions may depend on several things, but they will, in any case, be related to the objectives of the school system in which such choices are being made. Only if the board has a clear cut set of objectives for the school system will it be in a position to evaluate the worth of any of the above proposals. Ideally, any proposal for curriculum change will be evaluated mainly by one standard: "Will the proposed change enable the school system to accomplish its goals more effectively?" (See Chapter I for a discussion of formulating educational philosophy and goals.)

None of the foregoing is to say that boards need to be especially wary of change. Far from it. It is not unfair to say that education has been too resistant to change in the past. But it does mean that not every new proposal or new program is equally worthy of adoption for a given school district. This applies to new programs, but even more so to new equipment and materials, both of which are now abundant because of business' recent increased interest in producing and marketing educational products.

Of course, long before such questions as those mentioned above have arisen, the board should have decided the general scope of the local educational offerings. The scope will include subjects required by law and other curriculum offerings which the board thinks are essential to meeting the objectives of the school system. Its curriculum policies should include guidance in controversial areas such as religion, forms of government, and sex education.

As in other areas of functioning, the board has the responsibility not only for formulating curriculum policies but also for evaluating the effects of its policies. That is, the board must answer the question, "Does our school program accomplish what we want it to accomplish?" Curriculum evaluation procedures are highly technical operations and are beyond the scope of this manual, but the board must depend upon the guidance of its superintendent in this area.

The administration, with the advice of the teaching staff, has the following general responsibilities in the area of curriculum:

1. Schedules classes for the various types of training and allocates space for them
2. Assigns appropriate instructors for the various curriculum offerings

3. Decides the general methods of instruction to be used
4. Provides for the continuous revision of courses of study to meet changing conditions
5. Reports to the board on the adequacy and effectivess of the curriculum prescribed by the board.

PERSONNEL FUNCTIONS

The most important personnel function of a school board is the selection, employment, and evaluation of the superintendent of schools. This function was discussed in detail in Chapter II. In the selection of all other personnel for the schools, the board and superintendent should work as a team.

The board adopts salary schedules; elects or rejects employees on recommendation of the superintendent; determines personnel policies, such as those prescribed for conditions of employment, pre-service and in-service education, retirement; and so on.

The superintendent, within the limits of the law and board policy, carries out the following personnel functions:

1. Recommends the hiring of personnel and the discharge of any employees rendering unsatisfactory service
2. Assigns, directs, and supervises the work of all employees with due respect of individual rights
3. Annually proposes the salary schedule for all school employees for the next school year

In carrying out each of the above duties, the superintendent is assisted by principals and other members of the administrative staff.

In many cases, teachers have studied their needs and have directly recommended policies to the board for consideration. This has been especially true in districts where local teacher organizations have entered into professional consultation with the board of education (see Chapter IV).

Well informed board members recognize that, generally speaking, the value of an employee increases with years of service. A desire to keep experienced teachers has led boards to institute policies which show consideration for certain common human needs and problems. Examples of such policies are provisions for sick leaves, leaves of absence for advanced study, professional development on-the-job, and recognition for outstanding service.

A final word of advice to board members regarding personnel matters seems appropriate. Board members must bear in mind that their authority over personnel is exercised as a body and only through the superintendent. Board members who individually undertake either to reward, reprimand, or supervise the personnel of the school system are jeopardizing staff morale and thereby the school program itself. Outside of his official duties, a wise school board member will act only as an interested parent and/or patron.

FINANCE FUNCTIONS

Finance is the function upon which Texas school boards spend the most time and energy. This is perhaps justified by the fact that the board is legally responsibile for all funds received for school purposes and for their expenditure in the district.

The division of finance functions between the board and the superintendent may differ in various school districts, but certain principles of effective functioning have been identified and are outlined in the following paragraphs.

In carrying out its finance functions the school board:

1. Selects the school district treasurer (depository bank)
2. Sets the necessary annual tax rate within authorized limits
3. Decides upon the size of proposed bond issues for building programs and calls for bond elections
4. Adopts regulations for the accounting of all funds allocated to the district from state sources
5. Establishes procedures for the annual fiscal audit
6. Calls for the publication of the budget and annual financial statement
7. Amends the budget when necessary
8. Accepts and approves payment of major bills

The superintendent exercises the following responsibilities in the area of finance:

1. Presents data for the development of the annual budget and interprets this data for the board
2. Administers the budget after it is adopted and keeps expenditures within its limits
3. Provides for all possible economies that do not endanger educational results
4. Directs the accounting for all school funds
5. Makes proper financial reports to the board
6. Sees that the fiscal policies of the board are carried out

The increasing complexity of school fund accounting and school financial management in general has led to an increase in the number of business officials employed by school boards. Occasionally, because of the large amount of business affairs, a board has organized its school system with two chief administrators, a superintendent and a business manager, of equal authority and with each reporting directly to the board. This type of organization has proved to be *ineffective*. Perhaps the following example will serve to demonstrate why such arrangements have not been satisfactory.

Suppose that the superintendent in such a district has noticed that the district's salary schedule is far below the schedules in neighboring school districts and therefore recommends higher teacher salaries to the board. He does this because he knows that the district will not be able to attract and hold teachers unless salaries are raised.

Suppose that, on the other hand, the business manager ,wishing to hold spending down, recommends a lower salary schedule. Whose recommendation should the board accept? This example should illustrate why experience has shown that it is better to have only one chief administrator for a school district. It also illustrates the impossibility of separating the finance function from other school district operations.

In recent years, state sources of revenue have borne an increasing share of the costs of education, not only in Texas, but in other states as well. Among the major causes of this trend are:

1. The public's desire to equalize the tax burden between wealthier districts and those with less taxable wealth
2. The desire to equalize the burden between property holders and other taxable interests
3. The desire to equalize educational opportunity throughout the state, not for the purpose of reducing the opportunities of children in wealthier districts, but rather to increase the educational opportunities of children residing in poorer districts.

Legislation enacted since the Gilmer-Aikin laws of 1949 has not only increased the amount of financial aid provided for schools by the state, but has also required more accurate financial accounting. More complete information can be found in T.E.A. *Bulletin 679, Financial Accounting—Policies and Procedures for Budgeting, Accounting and Auditing in Texas Public Schools and Education Service Centers.*

SCHOOL PLANT FUNCTIONS

While school boards are constantly concerned with problems related to school plant, this area becomes highly important during a building program. At such times a board may well find the major portion of its time devoted to the school plant function. The division of responsibility and functioning between the board and superintendent in relation to the school board plant is described below.

For its part, the board performs the following functions:

1. Decides what kind of buildings shall be built
2. Determines when and where schools shall be constructed
3. Decides what equipment shall be purchased for each building
4. Decides upon the expansion of existing buildings and major alterations
5. Selects and purchases school sites for future plant expansion
6. Selects and employs school architects as needed
7. Approves a program of building and grounds maintenance
8. Decides on school property insurance and prescribes safety inspections and regulations
9. Decides policies governing the use of school plants by groups not associated with the schools

The superintendent exercises the following responsibilities with

regard to school buildings:

1. Directs the planning of all educational features of new buildings
2. Counsels with the architect on the general plans for construction or remodeling
3. Assigns custodians to all buildings and maintains general supervision over their work
4. Provides for needed experimentation in determining economical and efficient methods for building care
5. Supervises a continuous maintenance program which includes thorough and frequent safety inspections
6. Serves as adviser to the board in its school plant functions

During a building program school board members become especially conscious of the problems of school construction. The following principles have been found to be useful in making decisions relating to school plant construction:

1. The school building should be designed to help carry out the educational program. Therefore, the program should be outlined and understood first and the building then planned to permit the most efficient operation of that program and its specific features.
2. The amount and kind of building space and facilities needed should be decided upon only after (a) systematic studies and predictions of the scholastic population have been made; (b) all interested groups—parents, taxpayers, teachers, administrators, and other persons—have been consulted regarding plans for the building program; (c) a capable architect has been consulted by the board and superintendent. The School Plant Section of the Texas Education Agency and some of the state colleges make such advice and information available to board members.
3. The importance of preplanning the selection of adequate school sites should not be overlooked. Generally, the earlier a board can foresee the need for obtaining an option on new property, the lower will be the cost of property to the district. The board, with the advice of its superintendent, should make decisions concerning (a) the approximate location of sites, (b) the proximity of school population, (c) desired size of the building, (d) safety of sites (e.g. nearness to streets bearing heavy traffic), (e) attractiveness of sites, (f) cost of property, and (g) method of financing the cost of sites.
4. The board should make use of the training and experience of the superintendent and his staff in gathering pertinent information and in making specific recommendations concerning school building needs and plans.

SCHOOL—COMMUNITY RELATIONS

Community and individual interest in the public schools has increased appreciably in the past few years. While many factors have contributed to this increase in interest, some of the recognized factors are: the increasing cost of public education; the increasing mobility

of the population; and a growing demand for quality education for all children.

The increasing interest in schools requires mutual understanding between boards of education and their communities. When mutual understanding exists, the community gives greater support to the school, and, in turn, the school more effectively serves the needs of the community. Mutual understanding implies that the board of education must study the community and its needs as well as inform the public of what the schools are doing.

Authority for creating and maintaining desirable relationships between the school and the community must, as with the other functions of the board, be delegated in part to the administrative staff of the school. The board retains the authority for policymaking, planning, and evaluating, and, for the sake of efficiency, places certain responsibilities upon the superintendent and his staff. The board and the superintendent exercise jointly the most important public relations responsibility—the provision of the best possible educational program. When a good education program exists, it is unnecessary to "sell the schools" to the public. Even with the best of instructional programs, of course, the community must be adequately informed.

Since its members are elected or appointed to represent the community, the school board stands in a unique position. On one hand, it can interpret to the superintendent the kind of program and facilities to be provided for education. On the other hand, it can interpret aspects of the school program and operation to the public and uphold decisions made by the administration under board policy. Only a board that is able to reflect the attitudes of the community is well enough informed to help interpret the schools to the public. Texas school board members take pride in meeting the responsibility for governing the local education system for the benefit of the community.

The superintendent is responsible for the direction of a program for furnishing the citizens of the community with sufficient information about the activities of the schools, the reasons for the activities, and the results obtained. He interprets the schools and their policies before all groups interested in school welfare and progress. On a personal level, the superintendent can contribute to the school district's community relations program by fitting himself, with his family, into the civic, social, and religious life of the community.

A special technique for developing good school-community relations deserves mention at this point. This technique is called the community survey. A community survey is a scientific method for determining the opinions and attitudes of the community toward its schools. Commonly, these opinions and attitudes are determined by asking questions to a sample of the community's citizens. These questions range from very general ones such as, "How good a job are the schools of this community doing?" to very specific ones such as, "Should we

air-condition new school buildings built in this school district?" Members of survey teams interview citizens in their homes, asking identical questions to each citizen. Care is taken that the people who are interviewed make a representative sample of the community and that their answers to questions remain anonymous.

A survey team may be composed of parents, teachers, and other members of the community or an independent survey team (e.g. from a nearby college or university) may perform the task. Whatever the means used for the survey, it is most important that it be thorough and objective and that the community be aware of its purposes. The results of their use in school planning should be made public as soon as possible.

A word about the value and use of citizens' committees in activities other than community surveys seems appropriate. Too often, citizens' committees are formed only to help pass bond issues or some other tax measure. Experience has shown that these committees can help schools and communities in many important ways. With proper leadership and adequate factual information, committees can study the curriculum, help plan facilities, suggest enrichment for the school program, and cooperate in other ways. The work of a citizens' committee should be culminated when the specific project undertaken by the committee has been studied and its recommendations submitted to the board.

In many communities where citizens have participated in the determination of school policy and have understood the program, as well as the operation and needs of the schools, public support is outstanding.

CHAPTER IV

School Board-Staff Relations

Until recently, the expression "school board-staff relationships" meant school board-superintendent relationships for all practical purposes. The superintendent had traditionally been the only spokesman for teachers and other professional workers in a school district. In school districts throughout the United States, however, this traditional system is being replaced by procedures wherby there is direct communication between representatives of a local teacher organization and the board of education. These procedures have been called by several names, including professional negotiations, collective bargaining, collective negotiations, and professional consultation. Regardless of the name given to the procedures, the idea behind all of them is that spokesmen for the local teachers' organization discuss with the school board or its representative the terms of the employment of professional workers in the district (e.g., salaries, and lengths of contracts). Professional consultation is the term which will be used in this chapter, since it is the term used in present Texas law permitting boards to consult with teachers.

The present system of professional consultations is one in which professional staff members take on an advisory role in the governance of the school district. School boards should recognize that such consultations are extremely valuable to the district for two reasons. The first is that staff morale and performance is improved when there exists an opportunity for professional employees to make active input into the operation of the district. If their opinions are respected and their advice heeded, they will feel confident in their ability to affect the district's program in ways which they view as necessary and constructive. The second value of the process is that it provides to the school board an extremely important resource—the knowledge and experience of those who are actually on the front lines in education. It brings into the process of school district development the firsthand experience of those who daily view the progress being made by the district's students. It creates a better awareness of both long- and short-

range needs which must be met if the school district is to reach its stated objectives. The purpose of this chapter is to briefly acquaint the school board member with the reasons behind the development of professional consultations and to familiarize him with the nature of professional consultation procedures.

REASONS BEHIND THE DEVELOPMENT OF PROFESSIONAL CONSULTATIONS

One of the main reasons that professional consultations have been gaining headway is the increasing professionalization of teachers. Teachers are an unusual kind of employee. Instead of being self-employed like most professionals, they are hired by school districts and paid salaries. They are highly trained specialists, but they are under the direction of administrators and supervisors. Teachers' professional organizations have taken the lead in emphasizing the professional character of the work of teachers. Much of this emphasis has been directed toward securing more independence for teachers. The drive for professional consultations may be considered as an expression of a desire for more independence on the part of teachers.

There are two other related reasons for the development of professional consultations. One of these is the competition between the two major national teacher organizations for membership. Each of these two groups is trying to show that it can best represent the interests of teachers. One way each is trying to do this is to secure professional consultation agreements with local boards of education—agreements in which it is recognized as the representative of the teachers in the district. The other related reason is the increased size of most school districts. In larger school districts teachers are more likely to feel the need to be represented as a group, since they feel helpless as individuals in such large organizations.

TWO MAIN TEACHER ORGANIZATIONS

Most teachers in the United States and nearly all Texas teachers who belong to any professional organization are members of the National Education Association (NEA) and/or its state and local affiliate organizations. The state affiliate in Texas is called the Texas State Teachers Association. There are also local affiliate associations in most school districts in Texas.

The other main type of teacher organization is the American Federation of Teachers, which also has state and local affiliates in some places. There are very few AFT local organizations in Texas at the present time.

LEGAL STATUS OF PROFESSIONAL CONSULTATION IN TEXAS

Texas law forbids representation of teachers and other public employees by an organization which is affiliated with a national labor

organization. Teachers may join labor organizations and may not be denied employment because of their membership in such organizations, but they may not be *represented* by them. Texas law *does* permit public employees to present grievances through an organization which does not assert the right to strike against the government. It is under this provision that Texas teachers feel that NEA affiliates may legally represent teachers before school boards.

The Sixtieth Texas Legislature in 1967 enacted a law giving school boards permission to consult with teachers. The major provision of this law is as follows:

> The Board of Trustees of each independent school district, rural high school district and common school district, and their administrative personnel, may consult with teachers with respect to matters of educational policy and conditions of employment, and such Boards of Trustees may adopt and make reasonable rules, regulations, and agreements to provide for such consultation. This statute shall not limit or affect the power of said trustees to manage and govern said schools.

A second law enacted by the Sixtieth Legislature concerns a topic which is often a subject of professional consultations. This law concerns the length of time covered by teacher contracts. The main feature of the law is a provision which would permit boards of education to issue continuing contracts; that is, contracts which do not require renewals at any certain time. Under continuing contracts. which could be issued only after a probationary period, teacher contracts are terminated only because of resignation, retirement, necessary reduction of personnel in a school district, discharge for lawful cause (e.g., immoral conduct), or return to probationary status.

PROFESSIONAL CONSULTATION PROCEDURES

The following suggestions concerning implementing a professional consultation agreement are from the publication, *Professional Consultation in Texas*. These suggestions were drawn, after much study and discussion, by a special committee of Texas school board members, administrators, and teachers. The committee was jointly appointed by the Texas Association of School Boards, Texas Association of School Administrators, Texas State Teachers Association, and Texas Classroom Teachers Association. These suggestions are offered for school board study and evaluation.

GUIDE TO PROFESSIONAL CONSULTATION IN TEXAS

Local professional teachers' associations, superintendents, and boards of education have a common purpose in that each is striving to promote the progress of education. Professional Consultation, as envisioned in the permissive law passed by the Sixtieth Texas Legislature, is one procedure which may be used effectively by local professional

associations, superintendents, and boards of education in achieving this purpose. With the establishment of this legal basis, the school board and the professional can offer their talents and resources in a representative and democratic way in solving the educational problems of the community. In an effort to make the procedure meaningful and to avoid some pitfalls, certain basic concepts should be understood by local professional associations, superintendents, and school boards.

If professional consultation is to be effective, school boards, superintendents, and local professional associations must have:

1. Mutual desire to use professional consultation procedures for promoting a better school system.
2. Mutual commitment to the best possible education of children.
3. Mutual respect for each other.
4. Mutual willingness to be reasonable in attempting to reach understandings.
5. Mutual rejection of tactics which would interfere with the orderly procedure of the educational process in the community or educational welfare of the students in establishing procedures for professional consultation.
6. Mutual understanding that legal requirements must be fulfilled.
7. Mutual understanding that each is a representative entity and therefore responsible to its constituents.
8. Mutual understanding of what professional consultation is and what it is not.

WHAT PROFESSIONAL CONSULTATION IS AND WHAT IT IS NOT

What Professional Consultation Is	What Professional Consultation Is Not
1. It is an acknowledgment of teaching as a profession.	1. It is not designed to take legal authority from the school board.
2. It is a process for the identification of problems.	2. It is not designed to infringe upon the rights of the individual.
3. It is an identification and clarification of responsibilities.	3. It is not to be used to circumvent recognized channels of administrative procedure and authority.
4. It is an established line of communication.	4. It is not designed to give advantage to professional units or the board of education.
5. It is a method of reducing conflicts.	5. It is not to be used to evade educational responsibility to the students.
6. It is an orderly means of exchanging views.	6. It is not in violation of Code of Ethics of the Education Profession.
7. It is a means whereby mutual cooperation and respect can be fostered.	7. It is not intended to play the administration against the classroom teacher or the board of education against the teaching personnel.
8. It is a recognition of responsible leadership.	

With the growing complexity of education, it is difficult, if not impossible, for an individual or a limited group, lay or professional,

to be expert on every situation which may arise within a school district. Sometimes these people are not aware of the proper procedure by which to make their contribution. Professional Consultation offers an established procedure which can be recognized by the school board, by the superintendent, and by the local professional association (or associations) as an effective way to contribute to the improvement of education.

The initiative for professional consultation in a school district may come from the school board, the superintendent, or the local professional association (or associations). Procedures may be dependent upon the size of the professional staff and/or the already developed climate for communications between local professional associations, the superintendents, and boards of education.

The following procedure is recommended if the initiative is taken by the school board:

1. The board discusses professional consultation with the superintendent and asks him to recommend workable procedures.
2. The superintendent discusses professional consultation procedures with the president and/or a committee of the local professional association (or associations).
3. The local professional association (or associations) discusses professional consultation and decides whether it wants or needs a professional consultation agreement.
4. The president of the local association (or associations) notifies the superintendent of its decision.
5. The board authorizes such a study by a special committee made up of representatives from the superintendent's office and the local professional association (or associations). The number on the committee will be decided by mutual consent of the superintendent and the president of the professional association (or associations) involved, and representatives of each will be appointed respectively by the superintendent and the president of the association (or associations). The pattern of appointments will be subject to confirmation by the board.
6. The committee develops a recommended professional consultation procedure which is reviewed by the local professional association (or associations) and the superintendent.
7. Amendments suggested by the local professional association (or associations) or the superintendent may be incorporated into the recommended procedure by the committee.
8. Upon the recommendation of the superintendent and ratification of the association (or associations), the agreement is presented to the board for approval.

The following procedure is recommended if the initiative is taken by the superintendent:

1. The superintendent discusses professional consultation with the

board of education and requests its support for the development of an agreement with the local professional association (or associations).

2. For step 2 and thereafter see the procedure recommended if the initiative is taken by the school board.

If the initiative is taken by the local professional association (or associations), the following procedure is recommended:

1. The president of the local association (or associations) discusses the possibility of a professional consultation procedure with his executive committee.
2. The president secures approval of the idea from the executive committee of the local association (or associations).
3. The president discusses the subject of professional consultation with the superintendent, requesting his understanding and support. In the event the superintendent is not in agreement with the proposal for the adoption of a professional consultation precedure, he should advise the representatives of the professional association (or associations) of their right to take the matter to the board.
4. The local professional association (or associations) discusses professional consultation and decides whether it wants or needs to request board approval of a professional consultation procedure.
5. The president of the local association (or associations) notifies the superintendent of his desire to appear before the board to request a study of professional consultation procedures.
6. If the board agrees, it authorizes such a study by a special committee made up of representatives from the superintendent's office and the local professional association (or associations). The number on the committee will be decided by mutual consent of the superintendent and president of the professional association (or associations) involved, and representatives of each will be appointed respectively by the superintendent and the president of the association (or associations). It is recommended that the superintendent and the presidents of the local professional association accept the responsibility for seeing that the committee is comprised of representatives in proportion to the relative membership strengths of the local professional associations. The pattern of appointments will be subject to confirmation by the board.
7. The committee develops a recommended professional consultation agreement which is reviewed by the local professional association (or associations) and the superintendent.
8. Amendments suggested by the local professional association (or associations) or the superintendent may be incorporated into the recommended agreement by the committee.
9. Upon ratification of the association (or associations) the agreement is presented to the superintendent for recommendation and to the board for approval.

Items which may be considered for inclusion in a professional consultation agreement:

1. Parties to this agreement: The introduction should name the parties involved, purposes of the agreement, and the acceptance of responsibilities.
2. Recognition: The recognition should set forth the condition for the designated committee to be considered representative of the majority of its particular group. Where more than one local association exists within a school district, a council composed of representatives from each professional association may be utilized in the establishment of an agreement.
3. Procedures: The procedures should deal with areas of concern, requests for meetings, study committees, assistance, progress reports, and exchange of information.
4. Impasse: If agreement is not reached, and members of the board have not participated directly in the deliberations, the association representatives and the superintendent or his representatives may present their reports to the board.
5. Duration: Once an agreement is established, either party desiring changes should notify the other party in writing at least thirty days prior to April 1 of any year. Changes may be made at any time by mutual consent.
6. Signatures: Signatures of school board president, superintendent, and president of the local professional association (or associations) should be affixed to the professional consultation agrement.

When a professional association (or associations) is involved in matters beyond its special interests, concern, or responsibility, the board of education should properly involve other affected groups or individuals.

Everyone should understand that each school district is unique and different. One state-wide professional consultation agreement will not work in all situations. Each individual system or district should develop its own agreement when such an agreement is needed.

APPENDIX A

Frequently Asked Legal Questions

The questions and answers appearing below are a brief introduction to school law. It is hoped that many of the preliminary questions of law which affect school boards in their daily operations will be answered. This section is not intended to be in any way the final guidance upon which a school board should act when facing a difficult legal question but should provide a basic knowledge of the authority given by law to school boards. Following most answers there will be either section numbers or article numbers. Section numbers refer to the Texas Education Code. Article numbers refer to Vernon's Texas Civil Statutes.

BOARD SERVICE

1. What are the legal qualifications for school board members?

There are only two legal requirements for independent school district trustees. According to the Texas Constitution, all office holders must be residents of the voting community (school district) for six months. Section 21.007 provides that all school trustees must be qualified voters. Attorney General Opinion H-84 (1973) states that an 18-year-old qualified voter is eligible to be elected as trustee.

County trustees are required to be qualified voters, persons of good education and moral character, must read and speak the English language, must be sympathetic toward free public schools, and the four trustees who represent county commissioners must reside in the precinct of their election. Section 17.05.

Common, common consolidated, and rural high school district trustees are required to read and write English, and to be qualified voters and property taxpayers. Sections 22:05, 25.02.

2. To what affidavits must a school board member subscribe before being eligible to hold office?

Before a candidate for the office of school trustee may have his name legally printed on the ballot, he must subscribe to the following affidavit:

Affidavit for Candidate for Public Office
(Approved by Attorney General)

I, _____, of the County of _____, State of Texas, being a candidate for the office of _____, do solemnly swear that I believe in and approve of our present representative form of government, and, if nominated and elected, I will support and defend our present representative form of government and will resist any effort or movement from any source which seeks to subvert or destroy the same or any part thereof and I will support and defend the Constitution and Laws of the United States and of the State of Texas.

_____

Subscribed and sworn to before me at _____ this _____ day of _____, A.D., 19_____.

Upon their election all school district trustees are required to take the official oath of office set out by Article XVI, Section 1 of the Texas Constitution before they can take part in board deliberations. The oath is as follows:

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of_____ the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward for the giving or withholding of a vote at the election at which I was elected. So help me God."

Trustees of independent school districts are required to file their oaths with the president of the board, and trustees of county school boards must file their oaths with the county clerk. Sections 23.19, 17.06.

The Attorney General has ruled that the oath of office must be administered by a notary public, a judge, or the clerk of a court of record.

3. How are school board members elected and for what terms?

School trustee elections are held annually in most school districts in the state. In larger independent districts, the governing board of trustees is responsible for calling the election, preparing the ballots, selecting the polling places and election judges, and certifying the results. The procedure varies among districts of different types and

sizes, as prescribed by law. Common school districts, independent school districts with fewer than 150 scholastics, and county boards are elected under procedures established in law to be conducted by the County Judge with the results being certified by the County Commissioners' Court. Sections 17.03, 22.02, 23.07, 23.08.

The general procedures call for the preparation of an official ballot containing the name of the district for which the election is being held and the names of the candidates who have filed for election 30 days prior to election date. Election places are designated and election officials named. The county trustee elections are handled at the same time by the same officials and at the same polls as are the common and independent district elections. All qualified voters within the district or precinct are entitled to vote in trustee elections. In normal elections, voters elect two or three county trustees, two or three independent district trustees, two or three common consolidated trustees, or one common district trustee each year, dependent upon the district in which they reside. In independent districts with over 150 scholastics, the election may be by places on the board, otherwise the candidates with a plurality of the votes cast fill the new terms. Sections 17.02, 22.03, 22.04, 23.13. Once a district has adopted elections by positions it must retain that system. Section 23.11.

School district trustees are generally elected for three-year terms. Some of the statutes provide for two-year terms and in some instances, six-year terms. The terms are "staggered" or "overlapping" so that any particular board has a majority of experienced members at all times. County board members are elected for two-year terms, in certain large counties for longer terms. Districts having 30,200 or more scholastics may elect board members for six-year terms. Elections normally are held on the first Saturday in April, except in a few districts governed by special statute. Sections 17.02, 22.03, 22.04, 22.05, 23.13, 23.14.

Some of the special statutes effecting school trustee elections are VTCS Articles 2676a, 2676b, 2676c, 2774b, 2774c-1, 2775a-1, 2775a-3, 2775a-5, 2775a-6, 2775a-7, 2775a-8, 2775a-9, 2775c-1, 2775e, 2775e-1, 2775e-2, 2775e-3, 2775f, 2775f-1, 2777d-3, 2777d-4, 2777f, 2815g-1c, 2815g-1d.

4. What campaign restrictions are placed on school board candidates?

Candidates for the office of school trustee must designate a campaign manager by written appointment filed with the secretary of the district or with the county clerk (depending upon whether the board of trustees or the county judge is conducting the election) prior to accepting any contributions or making any expenditures. Candidates must also make sworn reports of campaign contributions received and expenditures made at specific dates prior to and following the election. V.T.C.S. Election Code, Articles 14.01-14.08.

5. When do school boards organize?

County boards are directed to organize (elect officers) at the May meeting of the board. Independent and common school district boards are directed to organize as soon after the election as possible which often is at the April or May board meeting. Sections 17.07, 22.07, 23.19.

6. What officers of the board are elected?

County school boards are directed to elect a president and may elect a vice-president. The county superintendent is designated to serve as secretary. Section 17.07.

Common school district's boards are directed to elect one of their number as president and one as secretary and to file a report of their organization with the county superintendent. Section 22.07.

Independent school district boards are directed to select a president who is a member of the board; a secretary who may or may not be a member of the board; a treasurer (depository); and an assessor and collector of taxes. Sections 23.19, 23.61, 23.91, et seq.

7. Whom do board members represent?

In most independent schools districts board members represent all the people of the district since they normally may reside in any section of the district. In certain districts required to hold elections for trustees on a single-member sub-district basis, the trustees represent only the citizens of their sub-district. Other exceptions to general representation can be found in county board elections and when two independent districts consolidate. Sections 17.02, 19.238.

8. How are board vacancies filled?

Independent school district boards are directed to appoint a member to serve until the next election when there is a vacancy for any reason. County boards are directed to appoint a member to serve the remainder of the term of a board member who creates a vacancy. Vacancies on boards of common school districts must be filled by appointment of the county school board for the unexpired term of the vacant office. In common consolidated districts vacancies must be filled for the unexpired term by appointment of the district school board. Sections 17.04, 22.03, 22.04, 23.18.

9. How may board members be removed?

School board members may be removed for incompetency, official misconduct, or becoming intoxicated. Article V, Section 24, Texas Constitution. Actions for removal of board members must be brought before the judge of the district court holding jurisdiction. V.T.C.S. Article 5970. (Although the removal provisions above speak to county officers, Texas courts have held that they also apply to school trustees, *Hendericks v. State*, 49 S.W. 705.)

A procedure specifically covering removal of common school district trustees is found in Section 22.06.

BOARD OPERATION

1. What notice is required for school board meetings?

School boards are required to post a notice which contains (1) the hour of the meeting, (2) the date of the meeting, (3) the site of the meeting, and (4) the subjects to be discussed at the meeting for all notice must be posted 72 hours before the day of the meeting for all regular, called, or special meetings. Such notice must be posted on the bulletin board at the school administrative offices and either delivered to the county clerk or telephoned to the members of the news media who have requested such notice.

School boards must also post notice of all emergency meetings. Such notice must be posted two hours before the meeting on the administration bulletin board and telephoned to any news media requesting such notice. In the notice for emergency meetings there must be given the time, location, and date of the meeting as well as a description of the urgent public necessity or emergency which requires the meeting. V.T.C.S., Article 6252-17.

2. What number constitutes a quorum for conducting board business?

A quorum is defined by law as a majority of the board. This number may conduct board business during an official board meeting. V.T.C.S., Article 6252-17.

3. How is a board meeting conducted?

The law is for the most part silent on the actual conduct of a board during a meeting. Good practice would lend itself toward the adoption of procedural rules by the board. Many boards for example, have adopted Roberts' Rules of Order.

School boards are required to open all meetings in public session; and, if the board plans to go into closed or executive session, the presiding officer is required to announce in open meeting the section or sections of the law under which the contemplated closed session is authorized.

School boards are also required to make all final decisions, actions, or votes in public session. V.T.C.S., Article 6252-17.

4. For what purposes may a school board go into closed or executive sessions?

A school board may meet in closed session as authorized by the following provisions of the "Open Meeting" Act:

"(c) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.

"(e) Private consultations between a governmental body and its attorney are not permitted except in those instances in which the body seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with this Act.

"(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease, or value of real property, negotiated contracts for prospective gifts or donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm, or corporation.

"(g) Nothing in this Act shall be construed to require governmental bodies to hold meetings open to the public in cases involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.

"(h) Nothing in this Act shall be construed to require school boards to hold meetings open to the public in cases involving discipline of public school children unless an open hearing is requested in writing by a parent or guardian of the child.

"(j) Nothing in this Act shall be construed to require governing bodies to deliberate in open meetings regarding the deployment, or specific occasions for implementation, of security personnel or devices.

"(m) Nothing in this Act shall be construed to require school boards operating under consultation agreements provided for by Section 13.901 of the Texas Education Code to deliberate in open meetings regarding the standards, guidelines, terms, or conditions it will follow or instruct its representatives to follow, in consultation with representatives of employee groups.

BOARD AUTHORITY

1. What are the legal powers and duties of county school boards?

The statute of general powers for county school boards reads as follows:

"The county school trustees or county board of education shall constitute a body corporate and in that name may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands." Section 17.21

Some of the specific powers given to county school boards can be summarized as follows:

- The power to participate in the creation, consolidation, subdivision,

and abolition of school districts and public junior colleges. Section 17.23, Chapters 19 and 51.

- The power to buy or rent property and to acquire property by eminent domain for common school districts and independent school districts with 150 or less scholastics. Section 17.26.
- The power to call joint meetings with school district trustees. Section 17.27.
- The power to make the annual budget for county school administration, Section 17.29.
- The power to borrow money to pay teachers in districts under their supervision. Section 17.30.
- The power to purchase school buses through the State Board of Control and administer school transportation for all except independent school districts which elect to supervise their own transportation. Section 16.52.
- The power of classify schools, to create enlarged districts, abolish dormant school districts, create or abolish rural high school districts, call elections upon proper petition for the annexation of districts in counties with populations of 210,000 or more, for detachment of territory and creation of new districts, and abolish annex or subdivide any common school district entirely within its county. Sections 16.80, 17.24, 19.001, 19.262 et seq.
- The power, upon proper petition, to detach and annex territory from one school district to another. Section 19.261.
- The power to form county line common and county line rural high school districts. Sections 19.101, 19.102.
- The power to hear appeals from the rulings or decisions of the county superintendent. Section 17.63.

2. What are the legal powers and duties of common and common consolidated school district trustees?

The general powers of common and common consolidated school district trustees are the management and control of the public schools, and determination of the number and location of schools, when schools shall be open, employment and dismissal of teachers, approval of claims against disrict funds, buying or selling district property and contracting for school buildings. Sections 22.08, 22.10.

3. What are the legal powers and duties of rural high school district trustees?

The general laws governing rural high school districts state, in part "The control and management of the schools of each rural high school district shall be vested in a board of seven trustees," and they "shall have those power granted to the boards of trustees of other common school districts and shall be subject to the same restrictions . . ." Sections 25.03, 25.06. Rural high school boards, then, have the same powers as common school district boards. (See supra)

4. What are the legal powers and duties of independent school district trustees?

The general laws governing independent school districts state in part that the trustees "shall constitute a body corporate . . . may acquire and hold real and personal property, sue and be sued . . . shall have the exclusive power to manage and govern the public free schools," . . . and . . . "may adopt such rules, regulations, and by-laws as they deem propr." Section 23.26. A listing of all the specific powers of these boards would be overly long, but some of the more important are as follows:

- The authority to levy and collect taxes. Section 23.27.
- The authority to contract with teachers and administrators. Sections 23.28, 13.901 et seq.
- The authority to sell minerals from land owned by the school district. Section 23.29.
- The authority to sell any other property held by the district. Section 23.30.
- The authority to exercise the right of eminent domain to acquire property. Section 23.31.
- The authority to prepare and adopt a budget. Sections 23.41 et seq.
- The authority to select a depository for school district funds. Sections 23.19, 23.61 et seq.
- The authority to select an assessor-collector of taxes. Sections 23.19, 23.92 et seq.

5. What restrictions are placed on school trustees as a class?

In keeping with sound governmental procedure, local boards are under restraints which help to balance their powers. Some of these restraints are listed below.

- Boards must operate within a framework of statutes, court decisions, and Attorney General decisions that are applicable.
- Boards govern public institutions and spend tax monies. Their business should be conducted openly and publicly. Some laws relating to this require an annual audit of school district financial records and publication of an annual report.
- Board members are restricted from doing business with the school district.
- Board members must subscribe to an oath of office and are subject to bribery and nepotism laws.
- Board members have no authority except when functioning as a member of the board in an official meeting.

6. What are the legal responsibilities of the president and secretary of the board?

The president of the board of education in an independent school district is the official budget officer for the district. As such, he must sign the budget or amended budgets which are filed with the Texas

Education Agency. He is also responsible for the submission of the annual financial statement to a newspaper in the area. He is responsible for the filing of the depository or treasurer's bond with the State Agency and for estimating and approving the bond of the tax assessor-collector. The president is authorized to act for the district in the execution of mineral rights and to file the affidavits of the trustees' oaths of office. The president may delegate authority for actual budget preparation to the superintendent of schools, a member of the board, or some other member of the staff. Sections 23.19, 23.29, 23.41 et seq., 23.61 et seq. The president of the board in all except common school districts must sign warrants or vouchers and attest to the minutes of the board. Sections 23.62, 25.06. The secretary of the board usually joins with the president in signing all vouchers and in attesting to copies of the board minutes. The secretary is also usually charged with responsibility for the keeping of the board minutes.

SCHOOL FINANCE

1. Who may be the depository or treasurer for school district funds?

The county depository bank is the depository or treasurer for all common and rural high school districts and for independent school districts with less than 150 scholastics. Sections 17.71 et seq. Larger independent school districts may elect a person or corporation as treasurer or depository. Sections 23.61 et seq.

2. What are the steps in the preparation, adoption, and administration of the school budget?

Independent School Districts. Section 23.41 et seq.

A. President of the board is designated as budget officer but may delegate responsibilities for actual budget preparation—usually to the superintendent of schools.

B. Said budget, a carefully prepared estimate of receipts and expenditures for the following year, must be prepared not later than August 20.

C. After the budget is prepared, a meeting must be held for the purpose of adopting and/or amending the proposed budget.

D. The meeting must be open to the public with at least five days public notice of meeting having been given.

E. Copies of the adopted budget must be filed in the office of the appropriate county clerk and with the Texas Education Agency not later than November 1.

F. The budget must be amended when expenditures in any major category of the adopted budget shall exceed amounts budgeted for that category.

G. A supplemental budget incorporating all amendments for the current school year shall be filed with the county clerk and the Texas

Education Agency by August 20.

H. Public funds of the districts cannot be expended legally until the budget has been adopted and then only in accordance with the originally approved or supplementary budget.

Common and Rural High School Districts.—Section 17.56

A. The county superintendent is the budget officer for all common and rural high school districts and must prepare the proposed budgets.

B. Budgets are to be prepared by August 10 for the following school year.

C. Budgets for each common or rural high school district must be approved by the district's board.

D. Any taxpayer of a common or rural high school district may file a statement of protest with the county superintendent and the board of trustees while the budget is being prepared.

E. Copies of the budgets are filed in the office of the county superintendent, the county clerk, and the Texas Education Agency not later than November 1.

F. Supplementary or amended budgets may be approved and filed in the same general manner as for independent districts.

3. How is a school district's tax rate determined?

No school district may assess or collect taxes either for local maintenance or bond retirement until such a tax has been properly voted by those entitled to vote in such an election. Once a maximum rate has been voted, the tax rate for a specific year may be set within this maximum by the board in independent and rural high school districts or by the Commissioners' Court for common school districts. Sections 20.01 et seq.

4. What is the maximum tax rate permitted?

For bond purposes the governing board of independent school districts and rural high school districts and the county commissioners for common school districts are authorized by proper vote of resident property taxpayers to levy and pledge annual ad valorem taxes which are either, "(1) sufficient, without limit as to rate or amount to pay the principal of and interest on said bonds; or (2) sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the district shall never be more than the rate (not to exceed $1 on the $100 valuation of taxable property in the district)" stated in the proposition which was voted on.

If, in submitting a bond issue to the voters, a district uses option (1) above, then all future bond propositions must use that form. In essence, then, the only limit on bond taxes is a proviso which prohibits the aggregate principal amount of tax bond indebtedness from exceeding 10 percent of current assessed valuation of taxable property in the district. Sections 20.04 (a), (b), (c).

The maintenance taxes of any district may not exceed $1.50 on the $100 valuation of taxable property in the district. Section 20.04 (d).

5. What are the legal provisions for assessing, equalizing, and collecting school taxes?

Assessment. The assessment of taxes involves first the preparation of a list of all property subject to tax and second the valuation of such property in the manner required by constitutional and statutory authority. The law requires the property owner to render such property for taxation by listing same, making oath thereto, and delivering the list to the tax assessor to be entered on the tax rolls. In the absence of such rendition, the tax assessor is authorized to place the property on the unrendered roll. Articles 7193, 7205, 7219, 7220. There is no authority, of which we know, that entitles a tax assessor to reject an owner rendition and substitute his own. Such changes in rendered valuation must be made by the board of equalization.

An independent school district board of trustees may appoint an assessor and collector of taxes if desired, or the taxes may be assessed and collected by the county tax assessor-collector, or the city tax assessor-collector if there be an incorporated city within the limits of the school district. Sections 23.91 et seq.

Rural high school districts are authorized to have their own tax assessors and boards of equalization if desired, and many such districts may further have their own tax collectors. If they so desire, rural high school districts may leave their tax assessing and collecting in the hands of the county tax assessor-collector to be handled in the manner provided for common school districts. Section 25.07.

Common school district taxes are assessed and collected by the county tax assessor-collector and are based on county tax valuations. Section 22.11.

An independent school district that has its own tax assessor but whose taxes are collected by the county tax collector may pay the tax collector not to exceed the cost of collecting. An independent school district that has its own tax assessor-collector may pay such tax assessor-collector not to exceed four percent of the total amount of taxes received by him. Payment to a city tax assessor-collector is subject to agreement of both parties. Sections 23.93, 23.94, 23.96.

In rural high school districts taxes are collected by the county tax assessor-collector and compensation for that collection is one-half of one percent of the collection. If a rural high school district appoints its own assessor he may be compensated up to two percent of taxes assessed. Section 25.07. Certain rural high school districts may compensate at other rates as allowed in section 25.07.

Equalization. Each school district that has its own tax assessor must also have a board of equalization appointed by the district trustees. Sections 23.91 et seq., 25.07. It is the duty of the board of equalization

to consider the tax valuations as rendered by property owners or placed on the roll by the tax assessor in the absence of such rendition and to equalize such valuations. In common school districts and certain rural high school districts taxes are equalized by the county commissioners sitting as a board of equalization. Article 72.06; Section 22.11.

When the board is not satisifed with the value fixed by the owner and gives notice of a raise, the property owner is entitled to hearing. The Supreme Court of Texas has this to say regarding such situations:

> Even when a board itself is dissatisified with the values fixed by the owner and gives notice of a raise, if at a hearing it adopts some arbitrary standard of valuation, or refuses to hear proof, or fails to hear proof on its own motion, so that an illegal value is fixed, the rendition made by the owner prevails and becomes the basis upon which taxes are paid. *Republic Insurance Co. v Highland Park ISD,* 102 S.W.2d 184.

Collection. Taxpayers in common school districts and rural high school districts that use the county tax assessor are entitled to the discounts provided by statute for early tax payment. Independent districts and rural high school districts classified as independent districts for tax assessment purposes may or may not grant such discounts as the board of trustees decrees. Article 7255b.

The full procedures in the collection of delinquent taxes are too lengthy to include here. Generally speaking, school districts have the same right to collect delinquent taxes as is accorded other governmental subdivisions such as counties and incorporated cities. No delinquent taxpayer may plead any statute of limitation for taxes assessed after July 1, 1941, except that suits involving delinquent personal property taxes must be filed within four years of the time such taxes become delinquent. Article 7298.

Independent school districts may contract with an attorney to collect delinquent taxes and may pay a fee not to exceed fifteen percent (15%) of the amount collected. Section 23.98.

6. How may school districts secure funds with which to build and purchase equipment?

Funds for these purposes are usually secured through the issuance of bonds approved by the voters. Sections 20.01 et seq. Certain facilities such as gymnasia, stadia, and other recreational facilities may be financed by revenue bonds which are secured by pledges of all or any part of the revenue from such facilities and additionally by liens and mortgages on the facilities. Such revenue bonds may be issued without voter approval. Sections 20.21 et seq.

Under certain conditions and for certain purposes any school district may issue interest bearing time warrants. Such warrants must

not exceed two percent of current assessed valuation nor total in excess of $60,000. Section 20.43.

7. For what purposes may public school funds be expended?

State and county available funds must be used to pay teachers' and superintendents' salaries and for the taking of the scholastic census. The surplus, if any, after such payment, may be used for other regular school operation. Local maintenance tax funds and miscellaneous local income may be used for any approved school expenditures as determined by the districts' governing board. Section 20.48.

Bond tax funds may be used only for the payment of principal and interest due on such bonds issued. Any balance remaining in the fund may be transferred to local maintenance when all bonds are retired. Attorney General Opinions O- 2657 and O- 6820.

8. What is the penalty for the misapplication of funds?

- The penalty for misapplication of school funds by the treasurer is a term of from two to ten years in the penitentiary. Section 4.04.
- The penalty for misapplication of Foundation School Funds by any person is a term of from one to five years in the penitentiary. Section 4.02.

9. What is the penalty for false swearing?

A person convicted of making a false oath is guilty of a Class A misdemeanor and can be punished by a fine of up to $2,000, a jail term of up to one year, or both.

10. Must all school districts have annual fiscal audits by independent auditors?

Each school district in the state, whether common, rural high school, or independent, must have an annual audit of its fiscal accounts by an accountant holding a permit from the Texas State Board of Public Accountancy. The audit report must be filed by the school district with the Texas Education Agency by December 1, following the close of the scholastic year for which the audit was made. Section 21.256.

11. What are the penalties for failure to comply with the budgeting, accounting, and auditing statutes?

Any school official failing to observe legal budgeting requirements is subject to a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars. Section 4.03.

The statutes further provide that independent school districts that fail to comply shall be dropped from the accredited list by the Texas Education Agency. Section 23.50.

12. What school district officials or employees must be bonded?

The statutes require that the following school officials or employees be bonded: assessor and collector of taxes in independent school dis-

tricts, school bus drivers, and textbook custodians. Sections 12.64, 21.170, 23.62, 23.93.

13. What is the meaning of a standard fiscal school accounting system?

All school districts are required to select and install a standard fiscal accounting system that is keyed to and correlated with the budget classifications used by the Texas Education Agency. The accounting system must at least meet the minimum standards as adopted by the State Board of Education and approved by the State Auditor. More complete information can be found in T.E.A. *Bulletin 679, Financial Accounting—Policies and Procedures for Budgeting, Accounting and Auditing in Texas Public Schools and Education Service Centers.*

BOARD—STUDENT RELATIONS

1. How may a pupil be transferred from one school district to another?

Any pupil may annually transfer from his district of residence to another district if both the receiving district and the pupil's parent or guardian jointly approve of and agree in writing to the transfer. Section 21.061.

The governing boards of any two adjoining districts or counties may by mutual agreement transfer students from one to the other if there is also a transfer of school funds proportionate to the transfer of attendance. Section 21.079.

Court decisions have, however, placed restrictions on transfer which would have a segregative effect on the districts involved. *U.S. v. Mathews,* 419 F.2d 1211.

A district may refuse to accept transfers if such transfers would overcrowd school facilities or if the receiving school would not receive sufficient reimbursement in addition to state benefits to pay the actual cost of instruction. Attorney General Opinion 0-7249 and *Love v. City of Dallas ISD,* Tex. 351, 40 S.W.2d 20.

2. What controls may school boards exercise over pupils?

Inherent in the authority of school boards to govern and manage the schools is the power to exercise necessary controls of students. Though little has been said in Texas statutes about board control of students, the courts have frequently spoken to the issues involved. Some of the more important issues have been discussed as follows:

Appearance. Since the U. S. Supreme Court has routinely refused to hear any cases involving school district regulations of appearance, the decisions controlling such regulations in Texas schools are those of the Fifth Circuit Court of Appeals. The two controlling cases from that court are *Karr v. Schmidt,* 460 F.2d 609 (5th Cir. 1972) and *Ferrell v.*

Dallas ISD, 392 F.2d 697 (5th Cir. 1968). Though both of these cases speak to hair-length regulations, their reasoning can be applied as well to dress codes or other regulations governing a student's appearance. In both of these cases the right of the school board to impose regulations on hair length has been upheld. In *Ferrell* the Court gave great weight to evidence that disruptions had occurred in the schools as a result of male students wearing long hair. The court apparently assumed that students have a constitutionally protected right to control their appearance but said, in essence, that the students rights could be limited by school regulations where there is a "compelling reason to do so." In this case the compelling reason was the avoidance of school disruptions.

In *Karr* the court changed course slightly and held that there was no constitutionally protected right to wear one's hair as desired while in public school. The court went on to say that in the case of state regulations which do not affect fundamental freedoms, the burden is not on the state to establish rationality of its restriction but is upon the challenger to show that the restriction is wholly arbitrary. The court directed its district courts to dismiss, for failure to state a cause, any future cases concerning hair codes.

It appears that school districts may continue to regulate the appearance of their students unless such regulation can be shown to be wholly arbitrary.

Corporal Punishment. The most important case involving corporal punishment in Texas schools in *Ware v. Estes*, 328 F. Supp. 657. In that case the district court held that even though corporal punishment had been abused in some instances, there was no evidence that the policy authorizing its use was unconstitutional. In a later case arising in Florida, the Fifth Circuit Court of Appeals has placed some restrictions on the use of corporal punishment which apply to Texas schools. That case (*Ingraham v. Wright*, 498 F2d 248), while it does not question the constitutionality of school policies providing corporal punishment, does require at least an informal hearing to determine if the student is guilty of conduct which merits punishment. The court also said that any such punishment would be patently unfair if the student had no reason to know that his conduct would later be used as the basis for punishment.

Health. Section 2.09 requires students be immunized against diphtheria, rubeola, rubella, tetanus, poliomyelitis, and smallpox prior to admission to any public school unless that student has a medical affidavit that the immunization could be injurious to the health of the student or an affidavit stating that immunization violates the religious tenets of the student. The latter exception does not apply in times of epidemics as declared by the Commissioner of Health. Because of this statute and its specific exceptions school boards can no longer refuse

admission to an uninoculated student who has filed the proper affidavit.

Personal Life. Over the past few years many court cases have arisen over school regulations which provide special treatment to married and pregnant students. In the case of married students the courts have recently held that they cannot be excluded from extra-curricular activities or treated differently from other students in any way without a showing by the district of a compelling state interest for such treatment. *Bell v. Lone Oak ISD,* 507 S.W.2d 636 (C. A. Tex 1974). As to pregnant students, relevant court decisions are lacking in Texas. Courts in other areas of the country are split as to the treatment which can be accorded such students. Perhaps a key consideration would be the guidelines established under Title IX of the Education Amendments of 1972 which prohibit treating pregnant students differently from others unless they consent to such treatment. These guidelines are controlling in all districts desiring to receive federal education funds.

Activities engaged in by a student outside the schools can be controlled by a school district only to the extent of eliminating disruptions of the educational program. *Shanley v. Northeast ISD,* 462 F.2d 960 (C.A. Tex 1972).

Short-term suspensions. In instances where a student has violated school policy one option open to the school district is short term suspension. The U.S. Supreme Court has held that a school district may impose suspensions of up to 10 days when such suspension are in the best interests of the district. The court, said, however, that such suspensions require an informal hearing procedure in order to avoid violations of a student's right to due process. Such a hearing would include either oral or written notice of the conduct which has violated school policy, and, if the student denies such conduct, the names of those who witnessed it and the nature of their testimony. The purpose of such hearings is to avoid suspensions which are without good cause. *Goss v. Lopez,* 43 L.W.4181 (January 22, 1975).

Long-Term suspensions or expulsions. In cases where the student is subjected to suspensions of over 10 days or is to be expelled for incorrigible conduct under Section 21.301, the due process requirements are much more formal than in the case of a short-term suspension. In such cases it is clear that the student has a right to a structured hearing. The hearing should either be held before the school board or before an administrative officer with a right of appeal to the school board. The requirements of such hearings should be as follows: (1) an impartial hearer of facts (either an administrator or the school board); (2) the right to representation for the student (parents, guardian, attorney); (3) some type of recording of the hearing (tape, stenographer, minutes); (4) a closed hearing unless the student requests that it be

open; (5) the right to confront witnesses and to call witnesses who can offer relevant testimony; (6) swearing-in of witnesses if there is a notary public or other official present who is capable of taking oaths; (7) a decision based on substantial evidence; and (8) notification of the decision as soon as possible after the hearing.

While the eight procedures above provide a basic guideline for a hearing, they must not be considered as inflexible. The nature of such a hearing should be determined as the situation warrants. What must be kept in mind is the purpose of such hearing, and that is to reasonably determine (as fairly as possible) whether or not a situation actually exists which can be remedied only by long term suspension or expulsion.

BOARD—STAFF RELATIONS

1. What are the legal provisions for administrator and teacher contracts?

In common and rural high school districts the board of trustees may enter into contracts employing administrators or teachers for up to three years, provided that all contracts of 12 months or more start on July 1 and end on June 30 and receive approval by the county superintendent. Section 22.09.

The statutes do not specifically require written teacher and administrator contracts in independent school districts. The board minutes, however, should reflect the formal action taken and specify the exact terms of the agreement. Personnel in districts with less than 5,000 scholastics may be elected for a term not to exceed three years. In districts with 5,000 or more scholastics the contract term may be up to five years. All contracts of 12 months or more must begin on July 1 and end on June 30. Section 23.28.

In lieu of the above provisions any school district may adopt the provisions of Sections 13.101 et seq., and provide its teachers continuing contracts after a probationary period of three years. Once a district adopts the continuing contract provision, it may not return to its previous procedure. The provisions of this section do not apply to administrative personnel.

2. What teacher oaths are required?

Teachers and other employees of tax supported schools are required to take a non-subversive oath before public funds can be paid to them for services rendered. Section 2.06.

3. For what cause may an administrator's or teacher's certificate be cancelled? By whom?

The state commissioner of education may cancel an administrator's or any teacher's certification upon: (1) satisfactory evidence that the

holder of the certificate is conducting his school or his teaching activities in violation of the laws of Texas; (2) satisfactory evidence that the holder is a person unworthy to instruct the youth of this state; or complaint by a board of trustees that the holder has abandoned his written contract without good cause.

Any person whose certificate is to be cancelled has the right to a hearing before the Commissioner of Education with a right of appeal to the State Board of Education.

4. How may a teacher be dismissed from his position?

A. Any teacher in any district which has adopted the provisions of the continuing contract law may be dismissed only in accordance with the procedures set out by the law. Sections 13.101 et seq.

The reasons for dismissal under the terms of that law are as follows:

(1) At the close of the school term a probationary teacher may be dismissed by the board of trustees if they feel the best interests of the district will be served thereby. The school district must notify the probationary teacher by April 1 of its decision to terminate his employment.

If the teacher makes a written request he must be given a hearing before the school board on the reasons for his termination.

(2) Teachers under continuing contracts may be dismissed during the school year for immorality, conviction of any felony or other crime involving moral turpitude, drunkeness, repeated failure to comply with official directives and established school board policy, physical or mental incapacity preventing performance of the contract of employment, and repeated and continuing neglect of duties.

Such teachers may be dismissed at the end of the school year for any of the reasons given above or for inefficiency or incompetency in performance of duties, failure to comply with reasonable school board requirements for achieving professional growth, willful failure to pay debts, habitual use of addictive drugs or hallucinogens, excessive use of alcoholic beverages, necessary reduction of personnel by the school district, or for good cause as determined by the board of trustees.

Any dismissals of continuing contract teachers must be preceded by written notice of the proposed action and, if requested, a public hearing as to the reasons for dismissal. Sections 13.101 et seq.

B. Any administrator and all teachers in districts which have not adopted the continuing contract may be dismissed in accordance with the terms of their contract, if any. If dismissal occurs during the term of the contract, the employee has a right to a hearing as to the reasons. If the dismissal or non-renewal occurs at the close of the contract term, the school board is not legally required to explain its reasons for the action but it should provide a hearing if so requested. Such

an administrator or teacher could successfully seek redress in the courts if he could show that some action of the board has given him tenure or that the failure to rehire him violated a constitutionally protected interest. *Skidmore v. Shamrock ISD*, 464 F.2d 605 (1972).

5. What is the penalty for failure to pay teachers the state minimum salary?

Any district which fails to pay its teachers the state minimum salary may not participate in the Foundation Program nor retain its acceditation. Section 16.301.

MISCELLANEOUS

1. What are the provisions of the nepotism law?

The nepotism statutes provide that no one related to a board member within the second degree by affinity (marriage) or the third degree by consanguinity (blood) may legally be employed by the board *unless* the employee was continuously employed by the district for two or more years immediately prior to the time his relative became a member of the board. Article 5996a.

2. Can a board member sell supplies or contract with the school district he serves?

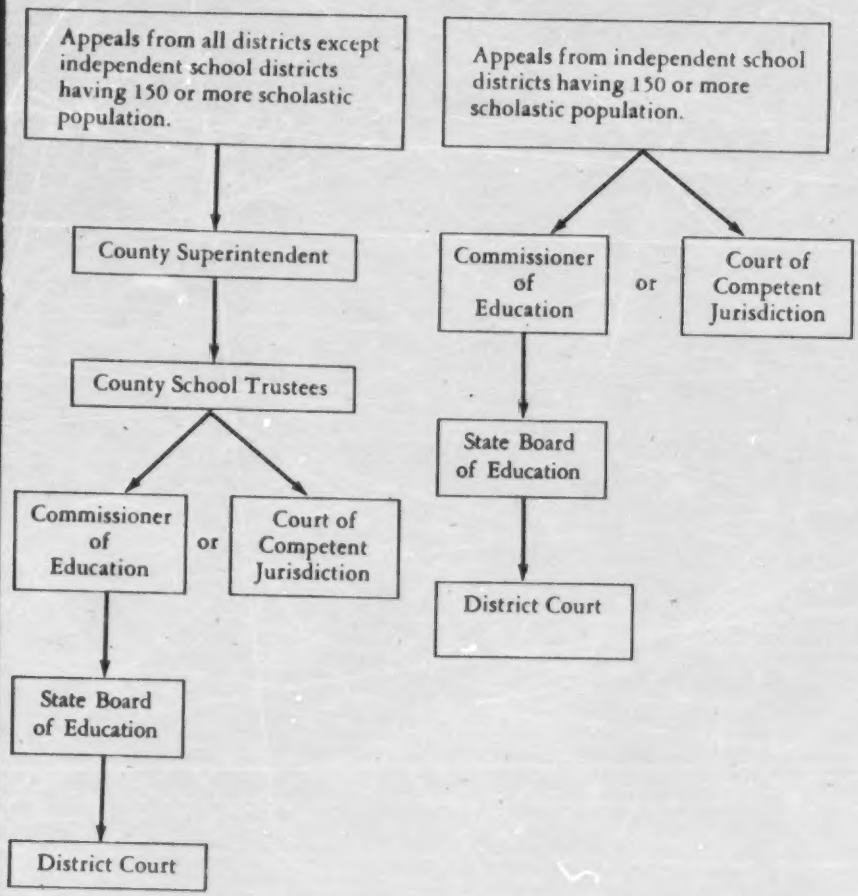
There is no specific statute covering the above question. These acts are, however, violations of public policy and would constitute grounds for instituting action for removal of the trustee. Attorney General Opinions 0-7237, 0-7378, 0-4590.

3. What are the provisions of the Texas School Building Code?

One statutory provision relating to Texas school buildings, which are built and financed locally, states that engineering plans, specifications, estimates and construction supervision must be performed by a registered professional engineer when the estimated cost of construction exceeds $3,000. Article 3271a(19). A few other general laws relate to fire escape standards and other safety and sanitation regulations. Articles 3959, 4477(12).

4. Under what circumstances may appeals be taken from decisions of local boards?

Anyone dissatisfied with any ruling or action of any board of trustees may appeal to higher school authorities and/or to the courts, by the following routes.


Appeals from all districts except independent school districts having 150 or more scholastic population.
County Superintendent
County School Trustees
Commissioner of Education
or
Court of Competent Jurisdiction
State Board of Education
District Court
Appeals from independent school districts having 150 or more scholastic population.
Commissioner of Education
or
Court of Competent Jurisdiction
State Board of Education
District Court

APPENDIX B

Table of Board and Superintendent Jobs

On the following pages will be found a chart which is intended to assist school boards and administrators in the task of delineating the board's policymaking and appraisal functions into its "jobs" which are listed under the heading, "Powers and Duties of School Boards." In a parallel column under the heading, "Duties of the Superintendent of Schools," will be found the "jobs" to be performed by the board's chief administrative officer.

The chart does not list all of the jobs to be performed by the board and the superintendent. However, typical categories are listed in various areas of activities to illustrate the functions, responsibilities, and relationships of the board and its chief executive, the superintendent of schools.

JOBS TO BE PERFORMED

Powers and Duties of School Boards	Duties of the Superintendent of Schools
Policymaking	
Act as a legislative body making policy within the law to govern the local district.	Act as the chief executive officer and advisor to the board and attend all board meetings.
Administration	
Appoint a competent superintendent of schools and invest in him all such powers as it may legally delegate to him. Evaluate his performance of his responsibilities.	Administer the school in conformity with the approved policies of the board, the rules and regulations of the State Department of Education, and the State Law.

School Board	Superintendent of Schools
Professional Leadership	
Designate the superintendent of schools as the professional leader of the board and the faculty.	Have charge of the administration and supervision of the school system and be the professional leader of the board and the faculty.
Policy Proposal	
Discuss and pass on policies. (While new policies will usually be presented by the superintendent, it is understood that policies may also originate with the board or in the community.)	Present to the board of education such information as is needed in the formulation of school policies. Present proposed policies to the board for its deliberation.
Keeping Minutes	
Keep or cause to be kept, complete, accurate, and legal minutes of all meetings.	Supervise the "taking of the minutes," preparation of the minutes, distribution of the minutes, and provide for their safekeeping.
School Organization	
Approve organization of the school upon the superintendent's recommendation.	a. Furnish data and information relative to school organization. b. Organize the school according to the policy of the board. c. Recommend organization when it seems desirable to do so. d. Open, maintain, and close each of the different units in accordance with the policy of the board.
Written Polices	
Keep, or cause to be kept, a complete, accurate, and continuing school code which shall be considered its educational policies.	Supervise the preparation of the written policies. Advise the board on changes when needed.
Appointment of Personnel	
Elect or approve and contract with principals, teachers, janitors, and other employees who have been recommended by the superintendent of schools. Approve qualifications and assignments of members of the staff.	a. Nominate for the board's approval all of his assistants, principals, supervisors, teachers, and other employees. b. Determine the qualifications desired for each class of employed personnel and present them to the board for approval and adoption.

School Board	Superintendent of Schools
	c. Formulate the duties of principals and other administrators for approval and adoption by the board. d. Formulate the duties of teachers for approval and adoption by the board. e. Formulate the duties of other employees for approval of the board.
Salary Schedule	
Adopt salary schedules for teachers and for other employees of the board.	Prepare a salary schedule to be approved by the board. Administer the salary schedule.
Pupil Personnel	
Consider the recommendations of the superintendent concerning special pupil problems and determine the policies needed in the light of these recommendations.	a. Formulate and put into effect, after approval by the board, a plan of organization which takes into account the individual differences of pupils. b. Recommend to the board the conditions under which non-resident pupils may enroll. c. Recommend tuition to be charged non-resident pupils. d. Admit non-resident students and collect tuition according to the written policies of the board. e. Suspend pupils who fail to comply with school regulations, such suspension or expulsion subject to the action of the board according to its stated policy and State law.
Textbook Adoption	
Appoint local textbook committee. Adopt textbooks upon the recommendation of the local textbook committee.	Recommend to the board personnel for appointment to local textbook committee. Serve as chairman of local textbook committee.

School Board	Superintendent of Schools
Equipment and Supplies	
Direct the superintendent to make an annual inventory of equipment and supplies on hand and to estimate needs for the next year of school.	Prepare an annual inventory of equipment and supplies on hand and estimate needs for the next school year. (Develop standardized supply lists, secure the cooperation of the staff in the selection of supplies.)
Health Program	
a. Determine the objectives of the health program. b. Determine the number of doctors, dentists, and nurses needed to carry on the school health service. c. Elect personnel on the recommendation of the superintendent.	a. Advise the board on desirable objectives for the health program. b. Plan and direct the school health program. c. Keep, or cause to be kept, necessary health records. d. Recommend personnel.
Extra-Curricular Program	
Determine the objectives of the extra-curricular activity program.	a. Advise the board on the objectives desirable in an extra-curricular activity program. b. Administer (through other personnel) the extra-curricular activity program in the light of the objectives of the board. c. Through the principals, account for all revenue from and expenditures for extra-curricular activities.
Curriculum	
Approve the course of study upon the superintendent's recommendation.	a. Prepare, with the help of his teaching personnel, courses of study for the approval of the board. (Keep copies of all courses of study in the central office.) b. Report periodically to the board on the effectiveness of all courses of study. c. Administer any policy relative to this problem adopted by the board.

School Board	Superintendent of Schools
Library Service	
Determine the objectives of the library service.	a. Advise the board on desirable objectives. b. Through the principals, plan and direct the library service. c. Keep, or cause to be kept, necessary records.
Agenda	
Direct the superintendent to use a written procedure for reporting at regular meetings.	Be responsible for a written procedure in reporting at regular meetings. (Written information should be presented to all members in advance of the meeting.)
Public Relations	
In cooperation with the superintendent carry on the school-public relations program.	Present to the board a plan for an adequate public relations program. Direct the program when it is approved.
Reports	
a. Cause to be printed and distributed an annual report or reports on expenditures for each fiscal year and such other reports as may be of interest to the citizens of the school district. b. Appraise the services rendered by all employees on the basis of reports submitted by the superintendent of schools and on the basis of reliable information from other sources.	Make an annual report and such other reports as are required by law or by rules and regulations of the local board of education.
Budget and Accounting	
a. Direct the superintendent to take, or cause to be taken and maintained, the continuing census. b. Direct the superintendent to establish and maintain a complete child-accounting system. c. Consider the budget prepared by the superintendent, recom-	a. Establish and maintain a continuing census. b. Establish and maintain a child-accounting system which shall include a complete, accurate, cumulative record of each child from the time he enters school until he graduates from high school or leaves school.

School Board	Superintendent of Schools
mending any changes thought necessary, and finally adopt the original or the revised budget when it meets the approval of the board. (The budget estimate should be justified in writing by the superintendent.)	c. Prepare an annual school budget and present it to the board for approval. (The budget estimate should be justified in writing by the superintendent. Budgets of previous years should be kept on file. The budget should be coordinated with the accounting system.) The superintendent should report to the board regularly and systematically in writing.
d. Fix the necessary rate of taxation in accordance with the law, and allocate the required portion of the rate to interest and sinking fund and to the local maintenance fund.	
e. Direct the superintendent to be responsible for keeping the school financial records.	
f. Direct the superintendent to establish an adequate system of internal financial accounting.	
School Plant	
a. Hold the superintendent responsible for the planning of such building programs as may be necessary. (When, in the opinion of the board and the superintendent, it is thought desirable to have others conduct the survey, those appointed should work in cooperation with the superintendent.)	a. Be responsible for the planning of such building programs as may be necessary. (Be responsible for the collection of the data for formulating preliminary building space plans and for advice in bonding and insurance procedures.)
b. Hold the superintendent responsible for the proper operation and maintenance of the school plant.	b. Be responsible for the proper operation and maintenance of the school plant. (Be responsible for recommending needed repairs, for keeping property accounting records, for checking on the efficiency of the operation of the buildings.)
c. (1) Determine the kinds of organizations that will be allowed to use the different units of the school building. (2) Determine the purposes for which the building may be used. (3) Determine the conditions under which organizations may	c. (1) Receive requests for permission to use the different units of the school in accordance with the policies of the school board. (2) Grant permission to organizations to use the differ-

School Board	Superintendent of Schools
be allowed to use the different units.	ent units of the school in accordance with the policies of the school board. (3) Check whether organizations comply with the conditions determined by the board. (4) Recommend changes that seem desirable.
Personnel Policies	
a. Determine when, for what, and under what conditions a member of the staff shall be granted a leave of absence. b. Adopt a policy concerning on-the-job growth or improvement programs for staff members. c. Adopt a plan concerning the attendance of members of the staff at professional meetings. d. Adopt a policy or policies describing avenues for staff communication or consultation with the board.	a. Formulate a policy for approval by the board regarding when, and under what conditions a member of the staff shall be granted a leave of absence. b. Administer the plan and keep the board informed as to its operation. c. Prepare for the approval of the board a plan for in-service education for members of the instructional staff. d. Administer the plan and keep the board informed of its operation. e. Present for approval by the board a desirable plan regarding professional meetings to be attended, delegates to be sent, and part of expense to be paid by the board. f. Recommend staff communication or consultation policies to the board.
Substitute Teachers	
a. Elect and contract with qualified teachers who have been recommended by the superintendent of schools to act as substitute teachers. b. Determine polices concerning the conditions under which the substitute teachers may be used, whether the teacher or the dis-	a. Recommend qualified teachers to act as substitute teachers. b. Formulate the duties of substitute teachers for the approval of the board. c. Recommend, for the board's adoption, policies concerning substitute teachers.

School Board	Superintendent of Schools
trict shall bear the expense, and the relationship of substitute teachers to other members of the staff.	
Pupil Classification and Promotion	
Approve policies concerning pupil classification and promotion.	a. Recommend to the board practices and conditions for the classification and promotion of pupils. b. Carry out the policies of the board regarding classification and promotion of pupils. c. Keep or cause to be kept a careful system of records and reports pertaining to classification and promotion of pupils.
Office Equipment	
a. Direct the superintendent to make recommendations concerning the needs of the office. b. Determine the amount of money to be made available for office equipment, supplies, and clerical assistance.	Recommend to the board the equipment, supplies, and clerical assistance needed for the efficient administration of the office.
Public Information	
a. The board of education is responsible to the people for an accounting of its activities and should determine a public information policy which will make it possible to keep the people completely informed. b. Decide what kind of reports shall be made of the work of the public schools to the public.	a. Advise the board on desirable publicity policies. b. Plan a definite public information program. c. Review all school reports before publication.
Record Keeping	
a. Approve a record system recommended by the superintendent of schools. b. Approve the expenditure of funds for school records.	a. Shall recommend to the board a complete record system for the school. b. Keep, or cause to be kept, accurately and completely, the record system adopted by the board.

School Board	Superintendent of Schools
Research	
a. Formulate with the superintendent policies regarding research in the school system. b. Determine the annual appropriation necessary to carry on research in the school system.	a. Recommend the annual appropriation to be used for research in the school system. b. Report the results of research carried to completion.
Opening and Closing School	
Formulate policies concerning the school calendar.	a. Recommend to the board for adoption, policies concerning the school calendar. b. See that policies and activities approved by the board are carried to completion.

APPENDIX C

Sources of Information and Aid for School Board Members

This appendix is intended to provide sources of information for school board members. The listing is by no means definitive; however, it is as complete and up-to-date as possible, and contains resources that have proven invaluable to school board members as well as other members of the education community.

BOOKLETS AND PAMPHLETS

Accountability in Education: An Exploration of the Possible. Austin, Texas: TASB, 1974. 58 pp.

Broadrick, King. *Parliamentary Procedure: Tool of Leadership.* Bloomington, Indiana: Phi Delta Kappa, 1974. 42 pp.

Dickenson, William E. *Successful School Board Practices.* New London, Connecticut: Croft Educational Services, 1965.

Hooker, Richard L. *Issues in School Finance: A Texas Primer.* Third printing. Austin, Texas: Texas Association of School Boards, 1974. 60 pp.

School Law Conference Report. Austin, Texas: TASB, 1971, 38 pp.

School Plant Services. Austin, Texas: TEA, 1962. 22 pp.

Topics for Educational Policymakers. Austin, Texas: TASB, 1975. 54 pp.

PERIODICALS

The American School Board Journal. National School Boards Association, 800 State National Bank Plaza, Evanston, Illinois 60201

American Teacher. American Federation of Teachers, AFL-CIO, 1012 Fourteenth Street, N.W., Washington, D.C. 20005

Education Daily. Suite G-12, 2430 Pennsylvania Avenue, N.W., Washington, D.C. 20037

Journal of Law & Education. 728 National Press Building, Washington, D.C. 20004

Nation's Schools & Colleges. 230 West Monroe Street, Chicago, Illinois 60606

NOLPE School Law Journal. National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606

The PTA Communicator. Texas Congress of Parents and Teachers, 408 West Eleventh Street, Austin, Texas 78701

TASB News. Texas Association of School Boards, 507 West Avenue, Austin, Texas 78701

Texas Outlook. Texas State Teachers Association, 316 West Twelfth Street, Austin, Texas 78701

Texas School Administrator. Texas Association of School Administrators, 316 West Twelfth Street, Austin, Texas 78701

Texas School Board Journal. Texas Association of School Boards, 507 West Avenue, Austin, Texas 78701

Texas School Business. 230 Littlefield Building, Austin, Texas 78701

TSTA Texas Schools. Texas State Teachers Association, 316 West Twelfth Street, Austin, Texas 78701

ASSOCIATIONS AND ORGANIZATIONS

National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091

National Education Association, 1201 Sixteenth Street, N.W., Washington, D.C. 20036

National Organization on Legal Problems of Education, 825 Western Avenue, Topeka, Kansas 66606

National School Boards Association, 800 State National Bank Plaza, Evanston, Illinois 60201

National School Public Relations Association, 1801 North Moore Street, Arlington, Virgina 22209

NSPRA, Texas Chapter, 1517 Avenue H, Plano, Texas 75074

Southern Region School Boards Research and Training Center, Inc., 520 First Federal Building, Tuscaloosa, Alabama 35401

Texas Association of School Boards, 507 West Avenue, Austin, Texas 78701

Texas Classroom Teachers Association, 700 Guadalupe, Austin, Texas 78701

Texas Education Agency, Capitol Station, Austin, Texas 78711

Texas State Teachers Association, 316 West Twelfth Street, Austin, Texas 78701

BOOKS

Bon Haden, Herbert I. and King, Jean Marie. *Educational Innovator's Guide*. Worthington, Ohio: Jones, 1974. 500 pp.

Braun, Robert J. *Teachers and Power*. New York: Simon and Schuster, 1972.

Conant, Eaton H. *Teacher and Paraprofessional Work Productivity: A Public School Cost Effectiveness Study*. Lexington, Mass.: Lexington Books, 1973. 224 pp.

Culver, Carmen M. and Hoban, Gary J. *The Power to Change: Issues for the Innovative Educator*. New York: McGraw-Hill, 1973. 297 pp.

Fantini, Mario D. *What's Best for the Children?: Resolving the Power Struggle Between Parents and Teachers*. New York: Anchor/Doubleday, 1974. 216 pp.

Laws, Tests & Schooling: Changing Contexts for Educational Decision-making. Syracuse, N.Y.: Educational Policy Research Center, 1973. 209 pp.

Odiorne, George S. *Management and the Activity Trap*. New York: Harper & Row, 1974. 193 pp.

O'Neil, Roy J. *Counterproposals for School Boards in Teacher Negotiations: A Comprehensive Response to the Demands of Teacher Organizations to Balance the Power at the Bargaining Table*. Aurora, Ill.: Countersearch, 1972. 255 pp.

Pitfalls in Issuing Municipal Bonds. Revised. New York: Moody's Investor's Service, Inc., 1974. 80 pp.

APPENDIX D

Standards for Effective School Board-Superintendent Cooperation

This checklist describes a number of key school board-superintendent working relationships. To rate itself, your school board should indicate to what extent each practice is followed in your school system. The rating scale is as follows:

1. *Practice is completely followed.*
2. *Practice is generally followed.*
3. *Practice is seldom followed.*
4. *Practice is never followed.*

A board which scores 113 points needs no further help in the area of its cooperative working relationships with its superintendent. The higher the total score, the more study of specific practices is indicated if the board-superintendent team is to provide the most effective school leadership.

Very likely more important and beneficial than learning the board's score are some other uses of the checklist. A few of them are as follows:

1. Each board member and the superintendent might individually rate each item of the checklist. Comparison of these individual ratings might disclose specific areas of misunderstanding concerning local practice. These areas could then be studied and discussed by the board and superintendent and possibly new policies could be designed to improve the practices.
2. Board meeting time might be devoted to an evaluation of the working relationships and practices of the board-superintendent team. The checklist might be discussed one area or section at a time and recommendations made which would enable the board to modify its policies or practices in specific areas.
3. A periodic re-evaluation of the cooperative relationships might prove beneficial to boards and administrators. The board and superintendent might want to have an annual appraisal of progress in achieving these standards for cooperative leadership.

4. This checklist could well be used as one of the sources of information provided for new board members or for candidates for the school board.

There are, of course, many other ways which the checklist may serve as a valuable aid to evaluating and improving local school leadership. The key to the worth of this checklist is the sincerity with which it is answered and the earnestness of the effort made to improve practices which are desirable, but which are not currently being followed.

How do your board and superintendent rate as the educational leadership team for your schools? Evaluating yourselves on the following criteria will give you the answer.

I. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN GENERAL ORGANIZATION AND ADMINISTRATION

GENERAL PROCEDURE

1. The school board operates as a team without standing committees . . . 1 2 3 4
2. Special committees of the school board are used only for specific tasks of a legislative or judicial nature that cannot be performed by employed personnel 1 2 3 4
3. The superintendent is present at the meetings of special committees of the school board 1 2 3 4
4. The school system has a single executive (superintendent) who is given full responsibility for the operation of all phases of the school system 1 2 3 4
5. The school board grants to the superintendent and his staff freedom in executive and administrative functions and then evaluates the results 1 2 3 4
6. The school board provides adequate administrative and clerical personnel to assist the superintendent of schools 1 2 3 4
7. The superintendent of schools makes sure that all administrative actions are in keeping with the established school board policies . . . 1 2 3 4

SCHOOL BOARD POLICIES

8. The school board regards the development of school policies and the evaluation of school procedures as its major functions 1 2 3 4
9. School board policies are written and available to personnel and interested lay citizens 1 2 3 4
10. All school policy statements are brought up to date and reviewed periodically by the superintendent and school board 1 2 3 4

BOARD MEETINGS

11. The superintendent of schools, in cooperation with the school board president, prepares the proposed agenda for school board meetings 1 2 3 4
12. The proposed agendas are placed in the hands of the board members three to five days prior to the meeting date 1 2 3 4
13. The superintendent attends all meetings of the school board (except when his contract is under consideration) 1 2 3 4
14. Board meetings, while formal enough for orderly procedure, are informal enough to encourage free discussion, and to promote group thinking 1 2 3 4

15. All members of the board are given the opportunity to participate in discussions preliminary to decisions 1 2 3 4
16. School board meetings are sufficiently well planned and conducted so as to conserve time 1 2 3 4
17. The minutes of each school board meeting are mailed promptly to members after each board meeting 1 2 3 4

DECISION MAKING

18. Board members, realizing that they have no authority as individuals, refrain from making commitments outside of board meetings.. 1 2 3 4
19. The superintendent of schools secures all possible evidence before forming opinions 1 2 3 4
20. The school board always seeks and considers the advice and recommendations of the superintendent before making decisions 1 2 3 4
21. The superintendent respects the right of the school board to make decisions contrary to his desires and recommendations 1 2 3 4
22. The superintendent presents both the pros and cons of controversial issues 1 2 3 4
23. Board members evaluate proposals and complaints in the light of the greatest good for the greatest number of children 1 2 3 4
24. Proposals presented to the school board members are always given adequate study prior to formal actions 1 2 3 4

TEAMWORK

25. The superintendent and each of the individual board members have a mutual respect for each other and for their basic rights to differences of opinion 1 2 3 4
26. There is a strong team spirit and group loyalty on the part of the superintendent and each school board member 1 2 3 4
27. The superintendent of schools and each board member interpret board decisions in the light of school board intent, defending such action irrespective of their personal attitudes in the matter 1 2 3 4
28. The school board assists the superintendent in interpreting his actions to the community 1 2 3 4
29. In reporting to the members of the board, the superintendent makes sure that identical information is given to each member 1 2 3 4
30. The superintendent, with the help of his staff, keeps the board members informed about every important phase of the school operation 1 2 3 4
31. The superintendent provides the board with a comprehensive written annual report 1 2 3 4
32. Individual board members willingly give, without pay, of their time to discharge their responsibilities as board members 1 2 3 4
33. Individual board members realize that they represent the entire school district rather than special interests groups 1 2 3 4
34. The superintendent of schools avoids attempts to seek personal publicity or personal gain in school activities 1 2 3 4
35. The individual board members avoid attempts to seek personal publicity or personal gain in their school board activities 1 2 3 4
36. If it becomes apparent that a decision or recommendation of the superintendent is unsound, he takes immediate steps to supply corrective measures 1 2 3 4
37. If it becomes apparent that a decision of the board is unsound, the board takes immediate steps to modify its policy 1 2 3 4
38. The school board recognizes that the superintendent plays a dual role: a member of the school board-administrator team and a member of the larger team of teachers and administrators 1 2 3 4

HANDLING COMPLAINTS

39. The written policy of the school board guarantees the right of an aggrieved party to a full and complete hearing before the school board 1 2 3 4
40. All complaints sufficiently important to be considered by the school board are submitted in writing 1 2 3 4
41. The procedure for handling complaints concerning administration of policy provides that the complainant should seek remedy through the superintendent of schools before bringing his problem to the school board 1 2 3 4
42. The procedure as outlined in the written policies of the school board for handling complaints is diligently followed in each case .. 1 2 3 4

PROFESSIONAL GROWTH

43. There is in effect a cooperatively-developed written policy adopted by the school board concerning the orientation of new school board members 1 2 3 4
44. There is in effect a cooperatively-developed written policy on in-service education for school board members and superintendent as a team 1 2 3 4
45. School board policy encourages the superintendent in his efforts toward professional growth 1 2 3 4
46. School board members receive one or more periodicals published for board members and administrators 1 2 3 4

II. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN PERSONNEL FUNCTIONS

SELECTION AND PLACEMENT

47. There is in effect a cooperatively-developed written policy pertaining to the assignment of school personnel 1 2 3 4
48. The board makes it possible through salary consideration and working conditions to secure top-flight educators to fill vacancies as they occur 1 2 3 4
49. There is in effect a cooperatively-developed written board policy establishing objective standards to assist in weighing the qualifications of applicants 1 2 3 4
50. The board relies upon the superintendent, and his staff, to evaluate the qualifications of applicants and to recommend all employees for appointment, promotion, transfer, or dismissal 1 2 3 4
51. The superintendent of schools assumes full responsibility for making nominations to the board concerning the appointment of all school personnel 1 2 3 4
52. The board reserves the right to reject nominees of the superintendent for employment or promotion 1 2 3 4
53. When the board rejects a nomination made by the superintendent, it refers the matter back to him for further nomination rather than seeking to fill the post itself 1 2 3 4
54. Rejections of the nominees of the superintendent for employment or promotion by the board are based on objective evaluations and not on personal bias or prejudice 1 2 3 4

PROMOTING GOOD MORALE

55. The school board has established policy and procedure for the employment of the superintendent of schools when a vacancy occurs... 1 2 3 4

56. The board relies upon the superintendent, in accordance with established board policy, to supervise the work of all employees 1 2 3 4
57. There is in effect a cooperatively-developed school board policy designed to provide adequate safeguards for school personnel to protect them from unwarranted pressure in the performance of their duties 1 2 3 4
58. All communications between the board and the staff are channeled through the superintendent of schools 1 2 3 4
59. Individual board members refrain from seeking special privileges from the superintendent and his staff 1 2 3 4
60. Individual board members, like all other citizens, present their personal complaints or criticisms of employees to the superintendent of schools rather than to the school board 1 2 3 4
61. The school board evaluates the performance of the superintendent upon objective criteria 1 2 3 4
62. The school board has established policy that insures, when such becomes necessary, a procedure for the ethical and legal dismissal of the superintendent of schools as well as other employees 1 2 3 4

PERSONNEL POLICY MAKING

63. The school board personnel policies are based on the general principle of "the greatest good for the greatest number" 1 2 3 4
64. There is in effect a board policy that provides for lay-professional participation in developing personnel policy 1 2 3 4
65. There is in effect school board policy that grants to all school personnel an avenue of expression concerning effects of personnel policies in force 1 2 3 4

III. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN FINANCE FUNCTIONS

FINANCING

66. The school district has fiscal independence in that the school board is its own budgeting and taxing agency 1 2 3 4
67. The school board makes every effort possible to provide adequate financial resources to support the school system 1 2 3 4
68. There is in effect a planned program whereby the school board and the superintendent, with the help of representative segments of the faculty, continuously evaluate the educational needs of the school system 1 2 3 4
69. The superintendent respects the board's right to determine expenditures and to modify its policies in keeping with the desires of the community 1 2 3 4
70. The school board is well informed concerning all possible sources of revenue for the support of the schools 1 2 3 4
71. The superintendent makes regular monthly financial reports to the school board 1 2 3 4
72. The school board takes an active part in state as well as local efforts to improve the support of public education 1 2 3 4

BUDGETING

73. The superintendent is charged by the board with the responsibility for providing leadership in the preparation of the proposed annual budget 1 2 3 4
74. The school board realizes that state aid is designed only to help provide a foundation program and that enrichment is a local responsibility 1 2 3 4

TRANSACTIONS

75. There is in effect a school board policy that provides every possible safeguard in school district expenditures. (Including provisions for open bids, testing of samples, careful storage, and controlled records of use) 1 2 3 4
76. The superintendent and his staff, to the extent permitted by law, handle the financial transactions for the board under the policies approved by the board 1 2 3 4
77. The school district avoids business transactions with the superintendent or with firms in which he has an interest 1 2 3 4
78. The school district avoids business transactions with individual board members or with firms in which they have an interest 1 2 3 4

ACCOUNTING

79. There is in effect a written fiscal policy that states a description of what is believed to be a sound procedure in fiscal affairs 1 2 3 4
80. The school board policy requires that detailed financial records be kept 1 2 3 4
81. The school board policy requires that a complete audit be made annually of all school accounts by a licensed public accountant 1 2 3 4

IV. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN SCHOOL PLANT FUNCTIONS

SCHOOL PLANT CONSTRUCTION

82. There is in effect a school board policy making the superintendent responsible for providing leadership in a continuous study of the population trends and school plant needs of the school district 1 2 3 4
83. The school board employs legal counsel to avoid pitfalls in securing and handling the funds for school facilities 1 2 3 4
84. The architect is employed early in the building program to insure his full utilization 1 2 3 4
85. The superintendent makes information available to the school board relative to qualified architects 1 2 3 4
86. The school board, in cooperation with the superintendent, selects the architect 1 2 3 4
87. School board policy provides that personnel who will use a school building shall participate in its planning 1 2 3 4
88. The school board policy provides that adequate time be provided in which the educational specifications can be drawn up by the staff, the community, and the school board for the guidance of the architect 1 2 3 4
89. The superintendent, with the help of the staff and community, develops educationally sound proposals to be submitted to the school board for their consideration 1 2 3 4
90. The policy of the school board provides that educational values have priority over building or maintenance costs when these are in conflict 1 2 3 4
91. The board, after examining critically the proposals from the superintendent and architect, makes the final decisions 1 2 3 4
92. The superintendent provides the board with the facts involved in financing the building program 1 2 3 4

PLANT MAINTENANCE AND OPERATION

93. There is in effect a board policy that insures routine maintenance of buildings (such as care of roofs and of exterior and interior painting) 1 2 3 4

94. The board receives from the superintendent the results of periodic inspections of each existing building or facility 1 2 3 4
95. There is in effect a written board policy governing the use of school facilities by out-of-school groups 1 2 3 4
96. Written school board policy regulates the purchase of school property insurance program needs 1 2 3 4
97. Written board policy provides for periodic surveys concerning the safety of facilities 1 2 3 4

V. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN SCHOOL PROGRAM FUNCTIONS

98. There is in effect a cooperatively-developed written philosophy of education, approved by the school board, that provides for the various phases of the school program and describes their relationships to the total program 1 2 3 4
99. The school board, working cooperatively with the administration and staff, determines all basic policies concerning the school program 1 2 3 4
100. On the average, more time is spent in school board meetings on the study of education programs than on business details 1 2 3 4
101. Cooperatively-developed written school board policies make provisions for all school activities that are sponsored by the school 1 2 3 4

VI. SCHOOL BOARD-SUPERINTENDENT RELATIONSHIPS IN PUBLIC RELATIONS FUNCTIONS

102. The school board and superintendent have a completely open relationship with the general public concerning their schools 1 2 3 4
103. The superintendent provides leadership in advance preparation of publicity and promotional materials which the school board will make available to the general public 1 2 3 4
104. A written policy concerning school board-press relations provides for full cooperation (on the part of the school board and superintendent) between the school and the press 1 2 3 4
105. Meetings of the school board are open to the press and to the general public except on rare defensible instances 1 2 3 4
106. In promoting bond issues the superintendent assumes the role of a resource person who supplies information to the board and the public 1 2 3 4
107. In promoting bond issues the school board members and other interested lay people participate in public presentations 1 2 3 4
108. The school board, working in cooperation with the superintendent, authorizes advisory lay groups for specific purposes when needed .. 1 2 3 4
109. Individual board members take a positive stand in the community for better schools 1 2 3 4
110. In reporting to the public, the superintendent and school board present educational objectives as well as the cost of attaining them .. 1 2 3 4
111. The board authorizes the publishing of a newsletter about school matters to school patrons 1 2 3 4

112. School board policy authorizes and encourages participation in such special programs as "Public School Week," "National Education Week," and "Business-Education-Industry Days" 1 2 3 4
113. School board policy places responsibility for information releases and other school news on the superintendent and his staff 1 2 3 4